



Class JK221

Book 25

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THE
GOVERNMENTAL INSTRUCTOR,

OR

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1985

A BRIEF AND COMPREHENSIVE VIEW

OF THE

GOVERNMENT OF THE UNITED STATES,

AND OF THE

STATE GOVERNMENTS,

IN EASY LESSONS,

DESIGNED FOR THE USE OF SCHOOLS.

BY J. B. SHURTLEFF.

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## PREFACE.

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THE rapid growth of the United States, and the variety of interest which the improvements of our country are daily exciting, both as it regards the progress of our nation in literature as well as in art, seem to demand an especial effort in suitably impressing upon the public mind, the importance of augmenting every facility for cultivating a proper taste in the minds of the rising generation, for such advancement in useful knowledge, as may prove beneficial in after-life. And as under our free and liberal government, the poorest as well as the richest may reasonably anticipate distinction, every means should be employed by those who have the guardianship of our literary institutions, to open as wide as possible the door that leads to knowledge.

It is to be regretted that our common schools have, in many instances, been neglected, so far as they are regarded as important auxiliaries in imparting useful information. Many entertain the idea that it is quite immaterial what books are put into the hands of young children, when they first commence reading, if the words can be but easily understood and readily pronounced. Now, in practising upon this principle, the most silly stories are often got up, sometimes accompanied by a picture, and spread before the young pupil to learn him to read. He looks upon the picture and is pleased with it, and he becomes remarkably fond of lessons thus illustrated—so much so, that he forms an attachment for light reading, and can hardly be induced to abandon his picture-book for one that treats upon plain matters of fact, useful in boyhood and in old age.

To a vast number of children, our Common Schools afford the only opportunity they enjoy of improving their minds, or of becoming enlightened in regard to the general principles of the American

Government, and in support of which, as citizens, they are to take an active part. In view of these considerations, then, how important it is that they should early become acquainted with the organization of that Government—by inquiring into its peculiarities—ascertaining its fundamental principles—all the branches of which have so admirably harmonized as to prove to the world that a Nation can be *great*, and at the same time be FREE.

It will be generally admitted that many children in obscure life, leave our Common Schools and enter work-shops, or seek employment upon farms, with but limited ideas of the *general organization of the National and State Governments*; and being subsequently merged in the business of life, they find but little opportunity of supplying any deficiency that may have existed, in receiving the first rudiments of their education.

Now, the GOVERNMENTAL INSTRUCTOR is intended to supply the vacuum which has heretofore existed, in this particular, and instead of placing before the young learner a large volume of confused matter beyond the reach of his comprehension, the Author has endeavored to suit it to his capacity; trusting that the work may prove not only interesting, but that it may be the means of urging the young mind to higher and praiseworthy attainments in the knowledge of our admirable form of Government.

J. B. S.

NEW YORK CITY, FEBRUARY, 1845.

# THE GOVERNMENTAL INSTRUCTOR.

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## EXTENT OF THE UNITED STATES.

IF you look at a map of North America, you will see a large country called *The United States*, extending across the continent from East to West. It is bounded on the North by the Russian Possessions and British America, on the East by the Atlantic Ocean, on the South by the Gulf of Mexico, Texas and Mexico, and on the West by the Pacific Ocean.

This vast tract of land is divided into *twenty-six States, six Territories and one District*.

The names of the States are as follows—

|                 |                 |              |
|-----------------|-----------------|--------------|
| Maine,          | New Hampshire,  | Vermont,     |
| Massachusetts,  | Rhode Island,   | Connecticut, |
| New York,       | Pennsylvania,   | New-Jersey,  |
| Delaware,       | Maryland,       | Virginia,    |
| North Carolina, | South Carolina, | Georgia,     |
| Tennessee,      | Kentucky,       | Ohio,        |
| Indiana,        | Illinois,       | Mississippi, |
| Alabama,        | Louisiana,      | Arkansas,    |
| Missouri,       | Michigan.       |              |

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How are the United States bounded ?

How are the United States divided ?

What are the names of the states ?

The names of the Territories, are

|            |          |           |
|------------|----------|-----------|
| Wisconsin, | Iowa,    | Missouri, |
| Oregon,    | Florida, | Indian.   |

The name of the District is Columbia.

These States and Territories and this District, all together, form one Government, called **THE UNITED STATES OF AMERICA.**

It is the object of this work to explain to the young reader the origin and nature of this *Government* ; its several departments, and the mode of its operation.

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#### DISCOVERIES.

**LET** us begin then at the beginning. Let us go back to that period when the whole Western Hemisphere was inhabited only by Indians. And let us trace our title to this land down to the present time.

On the twelfth of October, in the year 1492, Christopher Columbus, the great Navigator, discovered the New World. He was in the employment of Ferdinand and Isabella, the King and

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What are the names of the territories ?

What is the name of the district ?

What do the states, territories, and district, all together form ?

When, and by whom was the New World discovered ?

By whom was Columbus employed ?



Queen of Spain ; the Queen having pledged her Jewels, in order to procure means to aid him.

At that time it was a principle acknowledged by all the European powers, that every nation was entitled to claim and use as its own, all lands of which it was the *first discoverer*. And the *right* by which they claimed such lands was called the *right of discovery*.

Lands, inhabited by savage and barbarous people, were considered *uninhabited*, and possession was taken accordingly, without any regard to the rights of the occupiers. Hence, the first title of Spain to lands in the New World, was by *right of discovery*. She afterwards conquered other portions of the continent, which she continued for a long time to hold by *right of conquest*.

The same spirit of bold enterprise that led Columbus across the untried Atlantic, brought after him other daring adventurers. Among these were two Venetians, JOHN CABOT, and his son SEBASTIAN, employed by the English Government, who, on the 14th of June, 1497, discovered the coast of Labrador, and sailed along the shore of the continent as far as Florida. Hence England claimed a

---

What did the Queen do to aid Columbus ?

What is meant by the right of discovery ?

By what title did Spain claim lands in the New World ?

By whom were the Cabots employed ?

What discoveries did they make and when ?

What lands did England claim by right of discovery ?

large portion of what is now the United States and Canada, by *right of discovery*.

France, Spain, and Portugal, also claimed part of the same tract by right of discovery. But England finally drove away all her competitors, and claimed and held the whole as her own. She still holds Canada, having given up all claim to that part of the United States which was formerly the Thirteen Colonies of Great Britain, by her Treaty of September 3d, A. D., 1783, in which she acknowledged the Independence of the United States of America. Hence, the title of the Thirteen original States to the lands they claimed, was derived through England.

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#### CONQUESTS OF SPAIN.

Soon after the discovery of the continent great numbers of military adventurers came over from Spain ; some of them seeking to acquire fortunes, and others ambitious to win fame.

The ancient Mexican Empire tottered and fell before the superior intelligence and power of these invaders, led on by the reckless Cortes.

Guatemozin, the last of her monarchs, died on

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What does she still claim ?

To what has she relinquished her claim ?

What Empire did Spain first conquer ?

Who led the Spaniards ?

the gallows, by the command of Cortes, and the birds of the air picked the flesh from his bones as his body hung.

But the treasury of Montezuma, and all the wealth of the Mexican Empire was not sufficient to satisfy the Spaniards' *love of gold*.

The report of the wealth of the Incas came to their ears, and a Spanish army, headed by the daring Pizarro, was soon on its march towards Peru. The Peruvian Empire fell before the victorious arms of the Spaniards, and Atahaulpa, the last of the Incas, was murdered in cold blood, and the treasures of the Empire, the accumulation of centuries, were seized by the avaricious invaders.

But Spain, having swallowed up the wealth of two vast Empires, still "asked for more." Consequently a third expedition was fitted out in 1539, under the command of Hernando De Soto, for the conquest of a supposed Empire called *El Dorado*, which they imagined to exist somewhere within the present limits of the United States. But no gilded cities awaited their approach. No objects were presented to gratify the ambition of the Span-

---

Who was the last Mexican Emperor ?

What became of him ?

What Empire was next conquered by Spain ?

Who led the Spaniards ?

What became of Atahaulpa ?

When was the third expedition fitted out, and who lead it ?

What supposed Empire was De Soto in search of ?



iards, and after spending three years in searching, having marched half across the continent, they found nothing but half-naked Indians, and a sickly climate.

De Soto died of a fever, and was sunk in a leaden coffin, to the bottom of the Mississippi river, where his remains lie undisturbed.

Thus Spain acquired vast possessions by *right of discovery* and by *right of conquest*, which she continued to hold for about three hundred years, during which time most of her American colonies, one by one, revolted from her, and established independent governments.

That part of the United States called the Territory of Florida, is a portion of the immense possessions acquired by Spain through the conquests of Cortes, Pizarro, De Soto and others.

In 1819, Spain sold Florida to the United States for five millions of dollars ; so that the title which she had obtained by discovery and conquest, has been acquired by the United States by *purchase*.

The sudden tide of wealth, poured into Spain by the conquests of Mexico and Peru, sapped the

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What was the result of that expedition ?

What became of De Soto ?

How long did Spain hold her American Colonies ?

What then occurred ?

When, and for how much did the U. S. purchase Florida ?

By what title did Spain formerly hold that territory ?

By what title does the United States hold it ?



foundation of her own prosperity, and prepared her to descend to the low rank she now occupies among the European nations ; and although free from royal servitude, she is most miserable, half starved and depopulated, from the effects of her frequent civil wars.

At the same time the prospect of wealth excited a spirit of fortune-hunting emigration to the New World, equally unfavorable for the moral and intellectual advancement of the Spanish American colonies.

These effects have reached down to the present time. Hence those Republics of America which were formerly Spanish Colonies, though a full century in *advance*, as to time of settlement, are now a full century *behind* the United States in everything that constitutes the prosperity, power, and glory of a nation.

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#### ENGLISH SETTLEMENTS.

The enterprise of England, equally ambitious but less avaricious than Spain, sought to extend her power and greatness by planting Colonies on that part of the American Continent which she claimed by *right of discovery*.

After several unsuccessful attempts, her first *permanent* settlement within the present limits of

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What effect did the wealth of Mexico and Peru have on Spain ?

the United States, was made at Jamestown, on James River, in the State of Virginia, on the 13th of May, A. D., 1607.

The number of these first settlers was one hundred and five. Many of them died soon after of sickness, but their places were in a short time filled by new emigrants. The prosperity of the colony was, however, very much retarded by internal dissensions, and by the hostility of the Indians.

These settlers were not mere soldiers, seeking for the conquest of *golden Empires*, like the early Spanish adventurers, but men of business ; many of them from the higher ranks of society, in pursuit of a fortune, to be acquired by persevering industry.

The next English colony in America, was founded at Plymouth, Massachusetts, on the 22d of Dec. in the year 1620, by one hundred and one persons. They were in pursuit of neither *conquest* nor *riches*, but *religious liberty*. They belonged to the sect called *Puritans*, who were then greatly oppressed by the English government.

They came with two great objects in view ; first, to escape English oppression ; and second, to found

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Where and when was the first permanent English settlement ?

What was the number of the settlers ?

When and where was the next English settlement made ?

What was their number ?

To what sect did they belong ?

What two great objects had they in view ?

a new Colony in the wilds of America, where both themselves and their descendants might enjoy equal civil and religious liberty.

Therefore, as soon as they had prepared dwellings for themselves, they erected churches and school-houses, and commenced the cultivation of the land. Other settlements were soon after made in various places by new English emigrants, holding the same moral principles. Thus the industry, intelligence, christianity and enterprise of the early settlers, laid the corner stone of our present powerful Republic.

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#### SPANISH AND OTHER SETTLEMENTS.

At this time Spain was tyrannizing over Holland. To escape from her tyranny a colony of Dutch came over in 1613, and settled on the banks of the Hudson river, at Albany, New-York. As they settled on lands claimed by England, by *right of discovery*, they were compelled to become subjects of the English government. For the same reason a colony of Danes, who had settled at Bergen, in New Jersey, in 1624, and a colony of Swedes and Finns, who commenced a settlement at Cape Henlopen, in Delaware, were compelled to become subjects of England.

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Why were the Dutch settlers at Albany compelled to become subjects of the British Government ?



In 1634, St. Mary's, in Maryland, was settled by a colony of Catholics, who were driven from England by the oppressive measures of Charles I. They too, like the protestants, founded their colony on the broad basis of civil and religious liberty.

The Bourbon Kings of France oppressed their protestant subjects, and in 1663, a colony of French fled from their own "vine-clad fields," and commenced a settlement on the Mississippi river. The same causes continuing to operate in France, other colonists followed, who settled in different places in the Western and South Western States.

The English, in the French and Indian wars which commenced in 1755, and ended with the peace of 1763, drove the French from a part of the territory they claimed, and the remainder of it was purchased of France by the United States, in 1803, for *fifteen millions of dollars*.

Thus, the French claim to lands in North America was extinguished, and the United States acquired undisputed title to that vast extent of country, then known by the general name of Louisiana.

So, we perceive, that the attempt of England,

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When was St. Mary's settled, and by whom ?

What is said of a colony of French ?

When did the French and Indian war commence and end ?

How was the French title to lands in America extinguished ?

How much did the United States pay for Louisiana ?

What was the effect of the attempt to crush the rising spirit of liberty in Europe ?

Spain, and France, to crush the rising spirit of liberty in Western Europe, was the means of peopling the United States with a class of men whose love of freedom outweighs all other considerations.

Or, as one of the eminent writers of that day expressed it,—“The LORD has sifted three nations for good seed to sow the wilderness.”

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#### ORIGIN OF THE REVOLUTION.

The increasing prosperity and wealth of the English colonies in America, at length began to excite the avarice of the mother country.

With the hope of raising a revenue, she commenced and continued a course of unjust and oppressive legislation, which cost her an expensive war of seven years, and ended with the loss of thirteen of her most valuable colonies.

In 1651, she passed the Navigation Act, requiring all the Colonial trade to be carried on by English vessels, and soon after imposed heavy duties on all exports from the colonies. She prohibited all trade from one colony to another in home manufactured articles. She prohibited the manufacture of steel and iron. She would not allow a

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What was said by a writer of that day ?

What excited the avarice of the mother country ?

What did the unjust legislation of England cost her ?

What did the Navigation Act require ?

forge to be erected in America, and therefore the Colonists were compelled to send to England, at great expense, for all their steel and manufactured iron of every description.

The revenue derived by England, from all of these several sources, finally amounted to *ten millions of dollars*, annually ; but she was still unsatisfied, and another mode of increasing her revenue was resolved upon, namely, *taxation*.

Accordingly, in 1765, the "*Stamp Act*" was passed, imposing a tax on all mortgages, conveyances, wills, letters of administration, insurances, bills of lading, clearances of vessels, promissory notes, receipts, &c. ; in a word, upon every piece of paper or parchment used in the civil or criminal courts. The tax on a single paper of some kinds, was upwards of forty dollars. Newspapers and Almanacs were taxed double their cost. A single advertisement was taxed over forty cents.

The news of the passage of this act, caused a universal burst of indignation through the colonies. Public meetings were held, and resolutions passed, denouncing the act. The officers who were appointed to distribute the stamped paper and collect

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How great was the revenue paid to England before this act ?

What other mode was adopted to increase her revenue ?

When was the Stamp act passed ?

On what did this act impose a tax ?

What effect did the passage of this act produce in the colonies ?

What did the officers do whose duty it was to collect the tax ?

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the tax, were all compelled, by the people, to resign their offices.

And when the paper arrived from England, the people would not allow any of it to be landed, so every piece of it was returned to England.

When the English government found the Stamp Act could not be enforced, it was repealed. But its repeal was coupled with another Act almost as odious to the people, declaring that Parliament had a *right* to bind the colonies in all cases whatsoever.

In 1768, British soldiers were sent over, and stationed in Boston, Massachusetts, to "dragoon the Bostonians into what was called their duty."

England next imposed a burdensome duty on Tea, Glass, Painter's Colors, &c.

In 1773, three vessels laden with this taxed tea, arrived in the harbor of Boston. Immediately after its arrival some thirty persons, disguised as Indians, rushed on board the vessels and threw all the tea into the sea.

This occurrence so incensed Parliament, that in March, 1774, they passed the famous "*Boston Port Bill*," prohibiting all trade with the city of Boston.

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What became of the paper ?

Was the Stamp act repealed ?

What other odious act was passed at the same time ?

When were British soldiers sent to Boston ?

On what was a duty next imposed ?

What became of the tea which was brought to Boston ?

What bill did Parliament then pass, and what prohibit ?

By this bill the port of Boston was ordered to be closed, and goods of all descriptions were prevented from being either shipped or landed.

These unjust and oppressive measures at length aroused the people, and a general meeting of all the colonies was called, to meet at Philadelphia on the 4th of September, 1774, to consult for the common welfare and defence of the country.

The breach between the mother country and her colonies was now rapidly widening; and on the 19th of April, 1775, the battle of Lexington was fought, which commenced the great drama of the Revolutionary War.

All hope of reconciliation with England was now abandoned, and on the 4th of July, 1776, the Continental Congress, then assembled at Philadelphia, declared that "America was, and of right ought to be free and independent."

This act severed the thirteen American Colonies forever from England, and established a new nation which has since been known and recognized by the name of the *United States of America*.

On the 3d of September, 1783, Great Britain entered into a treaty with the United States, by which she recognized their Independence, and relinquished forever all claim to them.

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When and where was a general meeting of the colonies called?

When was the battle of Lexington fought?

When was the Declaration of Independence made?



Thus, all the title which England had to the territory comprised within the thirteen colonies, became now securely vested in the United States.

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#### NATURE AND ORIGIN OF LAWS.

Were a man to live separate and apart from all other persons, like Robinson Crusoe, on the Island of Juan Fernandez, he would be independent of all human governments, and all civil laws. He would have no social *duties* to perform and no human punishments to fear. He would be absolutely free, in a liberal sense of the term.

He could do anything he pleased, provided it was not contrary to the Divine law. But if another person were to join him, then reciprocal duties and mutual claims upon the assistance of each other would immediately arise.

Each would be equally entitled to a share of the common bounties of nature around them. Each would be bound to relinquish some portion of his wild natural liberty, for the common good of both.

- 
- When did Great Britain enter into a treaty with the U. States ?  
What became of England's title to territory in the colonies ?  
Under what circumstances would a man be independent of all human governments ?  
Would he have any social duties to perform ?  
What one law would he be bound to obey ?  
To what bounties would each be entitled ?

Each would have *rights* with which the other would be bound not to interfere. Neither could *command* or rule over the other without his consent ; but both together might make rules and regulations which both, or either, would be bound to obey.

Were they to be joined by a third person, the new comer would also be entitled to a portion of the gifts of his Creator, and he would likewise have a claim upon the sympathies and assistance of his companions. Every new addition to their numbers would create new relations and new duties, and call for a surrender of another portion of their natural liberty.

Thus, in proportion as the community become larger and larger, additional duties would continue to arise, and a new surrender of natural rights would necessarily follow.

If there were but *one person*, his will would be sovereign. If there were *two*, or *three*, or *thousands* or *millions*, the united will of all would be sovereign, and every one would be bound to obey this united will whenever it was expressed. For the united will of all commanding any thing *to be done*, or *not* to be done, is a *law*. And all who have

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To what would a third person be entitled ?

When must a person surrender a portion of his natural liberty ?

If there is but one person what is sovereign ?

If there are two or more what is sovereign ?

What is a law ?

Who are bound to obey it ?

participated in enacting a law are parties to the contract, and are bound to abide by and obey it.

But it is not necessary that *every one* should have concurred in passing a law, in order to make it binding upon all. It is sufficient if it has been passed by a majority. Those who are opposed to it are as much bound to obey it, as those in favor of it, provided they belong to the same nation, and are included in the same political organization. For by entering into civil society, they have tacitly covenanted and agreed that the majority *shall* rule; and they are not at liberty to nullify the contract at pleasure. The only way in which a minority can escape obedience to a law passed by the majority, is to rebel and form a new nation.

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#### WHENCE THE RIGHT TO RULE IS DERIVED.

When a community is large, or when dangers threaten, it becomes inconvenient for the whole people to assemble as often or as promptly as the exercise of the sovereign will may require. A nation of twenty millions, could not assemble together to enact a law, and yet every law must originate from the people.

They therefore select from among themselves a

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Upon whom is a law binding ?

When a nation is large, how do they make laws ?

What are those called who are authorized to act for the whole ?



small number of Representatives whom they authorize to act in the name, and for the good of the whole. These few *represent*, or stand in the place of the whole.

The sovereign power which resides in the whole united, has, for the time being, and for the purposes specified, been delegated to these few. And this power can be exercised only in such a way, and so far, and for so long a time, as the will of the people has authorized. And any act done, or law passed by these representatives, is as binding on every one of the people as if it had been passed by the whole nation assembled in council.

The ruler or law maker, is only the servant of the people, who are the true sovereigns. If any one who has not been chosen by the express act, or tacit consent of the people, assumes the right of ruling, or enacting laws, no one is bound to obey him, or his laws. For the right to govern must arise from the consent of the governed.

Though the right of governing may have been exercised by a single family for centuries, with the consent of the people of the nation, yet the people in their sovereign capacity, may at any time with-

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In what way and for how long a time, are Representatives to exercise the power entrusted to them ?

How binding are laws passed by Representatives ?

Who are the true sovereigns ?

May the right of governing be in the same family for centuries ?

draw their consent, and then the ruler's right to govern is extinguished.

Thus, the people of England, having been ruled for several successive generations, by the Stuarts, at length resumed the sovereign power. And Charles I. was not only hurled from the throne, but also deprived of his life, and Oliver Cromwell was chosen chief ruler in his stead, under the new name of *Protector*.

But the family of Cromwell were afterwards deprived of their princely power by the same sovereign will of the people, and the Stuart family were restored to the throne.

Thus, also, the people of France, after having allowed themselves to be ruled over by a long line of hereditary Bourbon Kings, at length resumed the sovereign power, and Louis the XVI., was deposed and beheaded. So Bonaparte seized the sceptre, and having run his short and ambitious career, he was stripped of his power, and the Bourbons were restored to the throne.

It matters not what may be the *form* of government ; whether the chief ruler is called a King, as in England ; an Emperor, as in Russia ; a Sultan, as in Turkey ; a Calif, as in Arabia ; or a Presi-

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What is said of Charles I.

What is the chief ruler called in England ?

What in Russia ? What in Turkey ?

What in Arabia ?

What in the United States ?

dent, as in the United States ; his right to rule is derived only from the *consent of the ruled*.

The mode in which this *consent* is expressed, is different in different countries. In England, and most other monarchical countries, the *crown* has been made hereditary, by an act of Parliament, and the order of its descent has been fixed. Therefore, upon the death of a King, the people express their consent to be governed by the successor designated by Law, by crowning him King. The simple act of *crowning*, is a mere ceremony performed by a few ; but the silent acquiescence, or open approval of the nation, is the act of the whole people ; and the new King thus commences his reign with the consent of the ruled.

In the United States, the President is chosen every four years, by the people themselves, by ballot, which is the most direct and certain mode of expressing their consent.

In order to aid the chief ruler in ruling in accordance with the wishes of the people, most nations, in modern times, have adopted a *Constitution* and *Code of Laws*, which they have bound themselves to obey, and by which the ruler has bound himself to govern. Thus, the United States, Eng-

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Whence is a ruler's right to rule derived ?

How is the consent of the ruled expressed ?

How is it expressed in England ?

How expressed in the United States ?

What have most nations adopted which they are bound to obey ?

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land, France, &c., have their constitutions and laws, which are regarded by the people.

In this constitution and code of laws is embodied the *will* of the people ; and if the ruler neglects or refuses to obey this will, or acts contrary to it, he forfeits his right to rule, and if he is a president may be *impeached*, and if a king, or queen, may be *deposed*.

When George III., the King of Great Britain, encroached upon the constitutional rights, and chartered privileges of the American Colonies, he forfeited his right to rule over them, and they were no longer bound to recognize or obey him. They, therefore, threw off all allegiance to the British crown, and declared that they “ Were, and of right ought to be, free and independent states.”

We have said that England claimed most of the land now contained within the present limits of the United States, by *right of discovery* ; and that such a right was considered by the European powers as furnishing a *valid title*. All persons, therefore, who settled on this land, so claimed, became subjects of the English Government, and a part of the British Empire.

The king of England, by instruments of writing

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In what is the will of the people embodied ?

What if a ruler acts contrary to the constitution and laws ?

What example is given ?

Why did the early settlers of the American colonies become subjects of England ?

called *charters*, granted certain rights and privileges to the several American Colonies, allowing them to form legislatures of their own, and to pass all local laws necessary for their own preservation and convenience, *provided* they were not in opposition to the general laws of the British Empire, which were to be considered as supreme.

The king also appointed governors for some of the colonies, as his representatives to sign the laws passed by the colonial legislatures, and thus give them validity; and also to exercise the executive authority in his name.

The colonies were therefore not only subject to the laws passed by their own colonial legislatures, but also were bound to obey the acts of parliament, which were expressly applied to them.

Each colony, though a part of the same empire, was independent of the other. There never was any political connexion between them except such as resulted from their common origin, common sufferings and common sympathies.

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#### ORIGIN OF THE CONTINENTAL CONGRESS.

In times of common danger, the colonies often chose delegates to meet in convention, and consult

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What rights did the king grant by charters?

By whom were the governors of the colonies appointed?

To what two kinds of laws were the colonists subject?

What was the relation of the colonists to each other?



for the common welfare. The result of their deliberations was expressed in resolutions and recommendations. For, as no legislative power was granted to them, they could enact no law. Such a convention possessed no nationality, nor no sovereignty. And yet, so great was the confidence of the people in the wisdom and patriotism of those men, thus assembled in convention, that their *recommendations* were generally immediately adopted by the legislatures of the several colonies.

In 1765, a convention of the colonies was called, by a resolution of the assembly of Massachusetts, to consult upon the difficulties in which they were involved, by the encroachments of the British Government upon their constitutional rights and chartered privileges.

Delegates were chosen by *nine* of the colonies, who met in the city of New York, in October of the same year, and set forth their grievances in a memorial, petitions, &c., which were signed by the delegates from six of the colonies; the other delegates did not sign, not having been instructed.

Those colonies which had not sent delegates, afterwards adopted the same sentiments by *resolutions*, warmly approving of the proceedings of this first Continental Congress.

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In times of danger what did the colonies do ?

Why could these conventions pass no laws ?

What did the legislatures of the colonies do ?

When was a convention of colonies called ?

How many colonies chose delegates ?

This was merely a *deliberative* congress of separate colonies ; no one of which, nor any number of which, had any power to bind any other, or each other, or to enforce obedience to any one of their own enactments.

The sovereign power still remained in the king, and each of the colonies separately.

The dispute between the colonies and the mother country becoming warmer and warmer, a *second* Continental Congress was resolved upon by the several colonies. Accordingly, on the 5th of September, 1774, delegates from *eleven* of the colonies met at Philadelphia.

They met, as did the first congress, to deliberate and recommend. And so great was the common danger, and so strong the confidence of the people in this congress, that their recommendations were obeyed as promptly as if they had been *laws* with penalties for their disobedience annexed.

The business for which they had assembled having been transacted, this congress adjourned in October, having resolved to meet again on the 10th of May, 1775, if the situation of the colonies should seem to require it.

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What power had this first continental congress ?

Where did the sovereign power still remain ?

When and where did the second congress meet ?

How many colonies sent delegates ?

For what did this congress meet ?

What is said of the confidence of the people ?

On what conditions did this congress adjourn to meet again ?

The long train of abuses practised upon the American colonies by the British government, had now reached a point beyond which "forbearance ceased to be a virtue;" and the people having tried unsuccessfully all other modes of appeal, now appealed to arms. And on the 19th of April were fought the battles of Lexington and Concord.

The situation of the country being more critical than ever, congress re-assembled at Philadelphia on the 10th of May. All of the thirteen colonies sent delegates to represent them in this congress. The whole number of delegates was sixty-four.

The delegates from each colony were clothed with more power than before, having been authorized by the colonies which they represented, to transact all business necessary for the common good of the country.

One of the first important acts of this congress, was the electing, by unanimous ballot, of George Washington Commander-in-chief of all the forces, on the 15th of June, 1776.

Two days afterwards the battle of Bunker Hill was fought, which put an end forever to all hopes of reconciliation with Great Britain.

A committee of five were appointed by congress as early as the 11th of June, to prepare a Declara-

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What was the last appeal the people made ?

How many colonies sent delegates to this congress ?

What power had the delegates ?

Who was elected commander-in-chief ?



tion of Independence. The committee consisted of Thomas Jefferson, John Adams, Benjamin Franklin, Roger Sherman, and R. R. Livingston. It was proposed that each member should draft a paper according to his own feelings and sentiments, and submit the same to the consideration of the committee, and that the draft which seemed to embody sentiments most congenial to the feelings of the whole, should be adopted by the committee.

Mr. Jefferson's was the first production read, and it so fully met the views of the other members of the committee, that it was at once adopted. So the Declaration thus agreed upon was presented to, and approved by congress, and publicly proclaimed on the 4th of July, 1776, declaring the united colonies to be *free and independent States*.

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#### DECLARATION OF INDEPENDENCE.

From the moment that the Declaration was published, the thirteen colonies ceased to form a part of the British Empire, and become thirteen sovereign States, owing no allegiance to each other, nor to any other government whatever. They were thirteen separate, independent nations, each pos-

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When was the declaration of independence made ?

Who were the committee appointed to draft it ?

Who penned the declaration of independence ?

From that moment what did the colonies cease to be ?

And what did they become ?

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sessing all the power of self-government and absolute sovereignty. This Continental Congress thus became in fact a Congress of Nations.

But the Declaration of Independence was only a formal declaration to the world of that which had already in effect been done separately by each of the colonies. For previous to the declaration, four of the colonies had adopted constitutions, and become independent states; and a fifth colony were forming a constitution. The remaining colonies had ceased to recognize or obey the authority of Great Britain.

Thus it appears, that the political connexion between Great Britain and each of the thirteen colonies had, in reality, been completely severed before the 4th of July, 1776.

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#### RECAPITULATION.

We have seen that sovereignty is the natural gift of the Creator to man; that men when they become members of civil society, yield up a part of their natural rights, still retaining their sovereignty as to the exercise of the remainder; that the sovereign power in a nation is the united will of the people; that the people of each nation owe allegiance to the sovereignty of their own nation and to no other; that a nation or body of men may

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What had taken place previous to the declaration?

appoint any person, or persons to act in their stead, and that all acts so done in pursuance of that trust are as binding upon the people as if done by the united voice of the whole nation assembled together; that part of the sovereignty of the American colonies was vested in the king and parliament of Great Britain, and a part of it retained in their Provincial Assemblies; that there was no political connexion between the several colonies; that when each of the colonies assumed to itself that part of the sovereign power formerly vested in the king and parliament, it became a free and independent state; and that the Continental Congress became, therefore, a Congress of Nations.

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#### ARTICLES OF CONFEDERATION.

In the infancy of the colonies, the fear of Indian depredations often called the people together in conventions. From these small beginnings, as we have seen, finally arose the Continental Congress, and the Articles of Confederation sprung from the Continental Congress; and our present glorious Constitution sprung from the Articles of Confederation. Our Constitution is, therefore,

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In the infancy of the colonies what called the people together in conventions?

What is our constitution the result of?

the result of a long course of gradual improvements suggested by the necessity of the case.

The Continental Congress above mentioned, continued through the Revolutionary war. Great inconvenience was experienced on account of the want of power to enforce obedience to measures necessary for the safety and defence of the country. Dissatisfaction also arose by reason of each state having but one vote, as thereby a small state had as much influence in the congress as a large one. They were separate independent nations, and as long as they remained so, could not well meet on any other principle, consistently, than perfect equality in all respects.

To remedy these evils, a committee was appointed immediately after the declaration of independence, to prepare *Articles of Confederation*, to be entered into between the several colonies. The report of this committee was adopted by congress on the 15th of November, 1777.

But these articles possessed no binding force till they were approved and adopted by each of the states separately. Eleven of the states adopted the articles in 1778, one, in 1779, and the thirteenth and last, in 1781.

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What difficulties did the continental congress experience ?

Why were the large states dissatisfied ?

What was done to remedy these evils ?

When did the articles of confederation become binding ?

When did the articles of confederation go into operation ?

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All the states having ratified the Articles of Confederation, a new nation was thus formed under the name of the *United States of America*. This new government went into operation on the 23rd of March, 1781.

All the powers not conferred by the states on this general government, remained in the states, so that each state was still sovereign as to all its local interests.

Although far greater powers was granted to the confederation, than had been conferred upon the previous congress, yet its power was still too limited to answer all the purposes of a National Government. The bond of union was too feeble. It was a mere league or alliance of sovereign states, and not a consolidated government. The congress of the confederation acted under the power and authority of state legislatures only. They could not act directly upon the people, but could reach them only by requisitions to be enforced by the state laws. Such a government must ever have been weak and inefficient, and subject to dangerous delays, and numberless other inconveniences, arising out of its peculiar position.

The people having experienced many of these evils, and having foreseen many others, resolved to make a still farther improvement, by adopting a

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What become of the powers not conferred on the general government?

What were the objections to the articles of confederation?



*Constitution* which would give a stronger and more consolidated form of government.

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#### ADOPTION OF THE CONSTITUTION.

Hitherto the several states had acted only as separate nations allied together. It was now proposed that the people of each and all of the states, should unite themselves together under one National Government.

Therefore, the people of the several states, by virtue of the sovereign powers given to them by their Creator, chose representatives, who met and prepared a *Constitution*.

This constitution was submitted to the legislatures of the several states, and the legislatures called conventions of the people in each of the several states for the adoption of it.

By the Seventh Article of the Constitution, the ratification of the conventions of *nine* states, established it between the states, so ratifying, and constituted them a nation.

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How had the several states acted hitherto ?

What was now proposed ?

By whom was the constitution prepared ?

To whom was it submitted ?

By whom was it adopted ?

How many states were to ratify the constitution before it could go into operation ?

The preamble of the constitution declares that "We, the People of the United States, in order to form a more perfect union," &c.,—"Do ordain and establish this constitution for the United States of America." Now the adoption of the constitution was not the act of all the people of the United States, *acting at once*, and as the people of one vast nation, but it was the act of the people of each state separately.

At first, the people of only *one* state adopted it, and it read then as it reads now, "We, the People of the United States," &c., but all "*the people*" who had then adopted it, were the people of one single state. At that time not one of the other states had adopted it, and the term, "We, the People," could not include the people of any of the remaining twelve states, for they were not yet parties to the constitution. They were still independent nations.

When the people of the second state adopted the constitution, they adopted it as the people of one state alone. They could not adopt it in conjunction with the one state which had already adopted it, for that would make the first state adopt it *twice*. They could not adopt it in conjunction with any or all of the remaining eleven

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In what way was the constitution adopted?

How did the people of the next state adopt the constitution?

Who composed the people of the United States when only two states had adopted the constitution?

states, for they had not yet acted at all. They could, therefore, adopt it only as the people of a single state.

They too, adopted the whole constitution, with its preamble, saying, "We, the People of the United States, in order to form a more perfect union," &c. When the people of the second state had adopted it, then "We, the People," included the people of both states, notwithstanding the people of one state had adopted it first.

In the same way the people of the *third* state adopted the constitution, and thus became part of "We, the People of the United States." So, also, the people of each successive state adopted it, till the *ninth*, when, by the Seventh Article, the Constitution was established as the government of these nine states, who then composed the "United States of America." And "We, the People of the United States," then included the people of these nine states, and no more. The then remaining *four* states, adopted the constitution in the same manner as the previous *nine*. And when they had so adopted it, they were on equal footing with each and all the rest.

By the Third Section of Article Fourth of the Constitution, new states may be admitted into the union by a vote of congress. In accordance

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Did the whole original thirteen states adopt the constitution ?  
How were new states to be admitted ?



with this section, new states have been successively admitted, to the number of *thirteen*, so that now, (A. D. 1845,) the number of States is *twenty-six*, twice the number of the *original thirteen*. Therefore, "We, the People of the United States," now includes the people of the whole twenty-six states as now organized.

There is still a large tract of territory belonging to, and under the government of, the United States. All the people residing on this territory are subject to the government of the United States. This territory has been sub-divided for the purposes of government. One tract is called the Territory of Iowa, another, the Territory of Wisconsin, &c.

When the people of any one of these territories are sufficiently numerous, and apply to congress for admission, they may be admitted into the union as another new state, in the same way that the thirteen new states have already been admitted to the thirteen original states.

In the same way new states may continue to be formed, from the territory lying west of the Mississippi, till all may be formed into states, even to the mouth of the Columbia River. And

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How many new states have been thus admitted ?

How many is the whole number of states now ?

Under what government are the inhabitants of the territories belonging to the United States ?

How can the people of a territory be admitted into the union as a state ?



then "We, the People of the United States, will extend in one unbroken mass from the Atlantic to the Pacific.

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#### POWERS OF THE GOVERNMENT.

We have seen that the states become by the Declaration of Independence, free and independent nations; and that the people of the several states by the exercise of their own sovereignty, adopted a constitution, and thus united the states under one National Government. All the powers, therefore, possessed by the government of the United States, are derived through the constitution, and were *granted* by the states, or rather by the people of the states.

These powers are of three kinds, *Legislative*, *Judicial*, and *Executive*, which are called the three co-ordinate branches of the government. Upon these three great powers all governments rest.

The *Legislative power*, is the power of *making laws*, and is sometimes exercised by one man, as in absolute monarchies, and sometimes by a number of men, as in limited monarchies, and sometimes by the people themselves, as in republics.

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Whence are the powers of the government of the United States derived?

Of how many kinds and what are they?

What is the legislative power?

In some countries it is vested in two assemblies, called houses or chambers, who act separately.

The *Judicial power*, is the power of administering justice according to the laws, and the persons appointed for that purpose, are usually called *Judges*.

The *Executive power*, is the power of executing the laws, which is vested in the chief ruler of a nation, and those authorized by him. In the United States, the executive is vested in the president. In monarchical governments it is vested in a king.

Sometimes these three great powers are exercised by one and the same person. Such a government is called a *despotism*.

Thus, Darius established a decree, that if any one asked a petition of any God or man for thirty days, except of the king, he should be cast into the den of lions. This was a *legislative* act.

Daniel was soon after brought before the same Darius, who heard the evidence, and pronounced sentence against him. This was a *judicial* act.

Then the king commanded Daniel to be brought and cast into the den of lions. This was an *executive* act.

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By whom is it exercised ?

What is the judicial power ?

What are those persons called who perform that duty ?

What is the executive power ?

In whom is the executive power vested in the United States ?

Are the three great powers of government ever vested in one person ?

Therefore, the whole sovereignty of the Medo-Persian Empire was invested in this one man, king Darius. His government was therefore a despotism.

If these three great powers are exclusively and permanently entrusted to a few persons, such a government is called an *aristocracy*. Such was the government of Athens, when under the thirty tyrants.

If these powers are exercised by the people themselves, and those appointed by them, the government is a *democracy*.

In the constitution of the United States, the three great powers are entrusted to separate persons, and are entirely distinct from each other, or nearly so. Liberty of the people can exist only where these powers are thus kept distinct.

If either one of these three great powers encroaches upon the others, liberty is in danger. And the result is equally dangerous, which ever of the powers absorbs the other.

If the *judicial* power absorbs or encroaches upon the executive or legislative, or if the *legislative* encroaches upon the executive or judicial, the

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What example is given ?

What is an aristocracy ?

How are the three great powers distributed in the constitution of the United States ?

What is the effect if one of these powers encroaches upon the others ?

How only can liberty be preserved ?



result is as fatal to liberty as if the executive absorbed the judicial and legislative.

Liberty can only be preserved by having these three great powers entrusted to different persons, who are wholly independent of each other. And yet, they should not be absolutely disconnected, but should be so arranged as to operate as a check upon each other.

Let us examine each of these powers separately. And first, as to the *legislative* power.

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#### CONGRESS.

All the legislative or law-making power granted by the constitution of the United States, is vested in a congress. This Congress is composed of two branches, one of them is called the Senate, and the other the House of Representatives.

These legislative branches are separate and independent bodies, and yet every law of the United States must pass both branches before it can become a law, and, in ordinary cases, it must also receive the signature of the president.

The two branches of the legislature operate as a check on each other, and thus tend to prevent

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In what is the legislative power in the United States vested ?

Of how many branches is congress composed ?

What are they called ?

Must every law of the United States pass both houses ?



the encroachment of the legislative upon the other powers.

This division of the legislature prevents rash and hasty legislation, for after one branch has passed an act, it must go to the other branch, and they too must pass it before it can become a law. This gives time for reflection and examination, and cool and candid investigation. If one branch passes an injudicious act, the other branch may refuse to concur, and thus the act is prevented from becoming a law.

This division of the legislative power, also prevents demagogues from acquiring that influence which they otherwise would acquire. For, however much influence he might gain in one house, it would be next to impossible that he could exert a similar influence in the other house.

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#### HOUSE OF REPRESENTATIVES.

A *Representative* is one who represents another, that is, stands in his place, acts in his name, and for him, and does every thing which he himself could do if he were present. And the one in whose name he acts, is as firmly bound by his acts

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How do the two branches of the legislature operate as to each other ?

What other advantages are mentioned ?

What is a representative ?

as if they were done by himself. It would be impossible for all the people of the United States to meet together and pass laws. All laws of the United States, are therefore necessarily made by *Representatives*, that is to say, by the Senate and House of Representatives in Congress assembled. The latter body representing the people directly, and the former body representing the states *directly*, and the people *indirectly*.

At present, each state sends one representative for every 70,680 inhabitants. The people meet on a day, and at places appointed, and vote directly for persons to represent them in the house of representatives. These representatives, therefore, are chosen directly by the people, and are responsible to them for the manner in which they perform their duty. For they act in the place of the people, and all constitutional acts done by them, are as much the acts of the people, and are as binding upon all, as if they were passed by the whole nation assembled together.

The ratio of representation has varied with the increase of population. At first, the house was composed of only 65 members. In 1793, it was composed of 105 members, that is, one for

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How are all laws of the United States passed ?

Do the senate and house both represent the people ?

Are the acts of representatives binding on the people whom they represent ?

How has the ratio of representation varied ?

every 33,000 inhabitants. In 1803, it was composed of 141, one for 33,000. In 1813, of 181, one for 35,000. In 1823, of 212, one for 40,000. In 1833, of 242, one for 47,700. In 1845, of 223, one for 70,680, which is the present ratio of representation.

The representatives are chosen for two years. They may then be re-elected for another two years, and so on, as long as the people of the districts which they represent choose to re-elect them.

Every one who is entitled to vote for a representative to the legislature of the state in which he resides, is also entitled to vote for a representative to congress.

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#### QUALIFICATIONS OF REPRESENTATIVES.

In order to prevent improper persons from being elected as representatives, the constitution has specified certain qualifications which the candidate for that office must possess.

1. He must be twenty-five years of age. Extreme youth is not often possessed of the wisdom

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Of how many members was the house at first composed ?

Of how many members is the house now (1845) composed ?

What is now (1845) the ratio of representation ?

For how long are representatives chosen ?

Can they be re-elected ?

Who is entitled to vote for representatives to congress ?

Of what age must a representative be ?

Why ?



and experience necessary for the judicious exercise of so important a trust.

2. He must have been seven years a citizen of the United States. For persons born under foreign governments and becoming citizens of the United States, by naturalization, cannot reasonably be supposed to have become sufficiently familiar with, and attached to, our institutions in a shorter period.

In England, the law is still stronger against naturalized citizens, for there, no alien, though naturalized, can be a member of either house of the British Parliament.

3. He must, when elected, be an inhabitant of that state in which he shall be chosen. A representative should be personally acquainted with the condition and wants of his constituents.

There is no property qualification required, nor is there any religious test. The poorest may aspire to the office as well as the richest.

Representatives and direct taxes are apportioned among the states according to their numbers. And the numbers are determined, in the slave states, by adding three-fifths of the slaves to the free per-

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How long must he have been a citizen of the United States ?

Why ?

What is the law of England as to representatives ?

Where must a representative reside ?

Why ?

Is there any property qualification or religious test ?

How are representatives and direct taxes apportioned ?



sons. This was a compromise between the slave-holding and non-slave holding states.

Although representatives and direct taxes are apportioned in a similar manner, yet they are not in any way connected with, or dependent upon each other. The District of Columbia and the Territories of the United States have no representatives in congress, and yet are subject to taxation with other citizens of the government.

Each state shall have at least one representative. Delaware and Arkansas have each but one representative at present, they being two small states. New York has 34 representatives, which is the largest number any state now has.

The ratio of representation established by act of congress in 1843, is, as we have seen, one for 70,680 inhabitants.

In six of the states, an additional representative is allowed for the fractional numbers remaining. The house of representatives is now (1845) composed of 223 members.

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How are these numbers determined ?

Why was this arrangement made ?

Are representatives and taxes dependent upon each other ?

Are there any persons in the United States who are taxed but not represented ?

What is the smallest number of representatives a state can have ?

Which State now has the largest ?

Are there any representatives allowed for the fractional numbers.

How many such are there now ?

If a vacancy happen in the representation by death, resignation, or otherwise, the executive of the state may issue a writ of election to fill the vacancy.

The house of representatives choose their own speaker and other officers. The house also has the sole power of presenting a person for impeachment.

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#### SENATE.

We have said that the legislative power in the government of the United States is vested in a congress, and that congress was composed of two branches, the house of representatives and the senate. We have already spoken of the house ; let us now examine the senate.

The senate of the United States is composed of two senators from each state. The present number of senators is, therefore, fifty-two. Each senator has one vote. The political power and influence of all the states, great and small, is equal in the senate. Thus, the little state of Rhode Island has two senators, and the large state of New

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How are vacancies in the house filled ?

How is the speaker of the house chosen ?

What part does the house take in impeachments ?

Of what is the senate of the United States composed ?

What is now (1845) the number of senators ?

York, with about twenty times as many inhabitants, has no more. The senate, in some respects, resembles a congress of nations.

If the large states out vote the small ones in the house, the small ones have an equally disproportionate influence in the senate ; so that one legislative branch counterbalances and checks the other.

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#### SENATORS, HOW CHOSEN.

The senators are not chosen directly by the people, but are elected by the legislatures of the several states. The people vote directly for members of their own state legislatures, and the members of the state legislatures vote directly for the senators. The senators are therefore the representatives of the state governments.

The *time* for which the senators are chosen is six years. Being elected for so long a period, and being the direct representatives of the states themselves, the senate is necessarily a very important

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Is the power of each state equal in the senate ?

What does the senate resemble ?

Do the large, or the small states have the advantage in the senate ?

Which has the advantage in the house ?

How are the senators chosen ?

What do the senators represent ?

For what time are the senators chosen ?

body. Each senator feels as if the interests of his own state were intrusted to himself and his co-senator. And the eloquent and powerful arguments which have been made in the senate on questions of *state rights*, prove the zeal and fidelity with which the senators have labored for the interests of their respective states.

The length of time for which they hold their office, affords the senators an opportunity of becoming well acquainted with the mode of transacting business. It also renders the government of the United States less vacillating and changing than it would be if the term of office was shorter. This is of great consequence in entering into commercial relations and treaties with foreign governments, business which necessarily devolves, in part, upon the senate.

The senate is divided into three classes, so that they do not all go out of office at once, but one third go out every two years, and a new third are elected to fill their places.

If a vacancy occur in the senate, by resignation or otherwise, during the recess of the legislature of the state, the executive of the state makes a temporary appointment till the legislature meets.

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Why do questions of state rights originate in the senate rather than in the house ?

What advantage is there in having the term of senators so long ?

How is the senate divided ?

How many go out of office every two years ?



## QUALIFICATIONS FOR A SENATOR.

1. To be a senator, a person must be thirty years of age. The senate being a smaller, and in some respects a more important body than the house, and the interests of the states being intrusted to them, the experience of mature years appears to be a necessary qualification.

2. To be a senator a person must have been nine years a citizen of the United States. Nine years *residence* is not sufficient. He must have been nine years a *citizen*. The senate participates in the transactions of the government with foreign nations. It is not to be supposed that foreigners coming to the United States and being naturalized would lose their attachment to their native land, and become sufficiently identified with the interests of their adopted country in less time than a nine years citizenship.

3. To be a senator, a person must be an inhabitant of the state from which he is chosen. He should not only be familiar with the condition

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How are vacancies in the senate filled during the recess of the legislature ?

What is the first qualification for a senator mentioned ?

Why should he be thirty years of age ?

What is the second qualification mentioned ?

Why is it necessary he should be nine years a citizen ?

What is the third qualification mentioned ?

Why ?

and wants of the state, but should have a personal interest and responsibility in all measures affecting the rights of the states.

As in the case of representatives, so in the case of senators, no religious test or property qualifications are required.

The Vice President of the United States is the President of the Senate. He has no vote, unless there is an equal division, and then he gives the casting vote.

The senate chooses all its other officers, and also a President pro-tempore, in the absence of the Vice President.

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#### IMPEACHMENTS.

The senate has the sole power to try all impeachments.

The *house* has the sole power of *presenting* all persons for impeachments, and the *senate* has the sole power of *trying* them.

The house, like a grand jury, find a bill against a person, in other words, the house is the *accuser*,

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What is said of religious test and property qualifications ?

Who is the president of the senate ?

Has he any vote ?

When does the senate choose a president pro tempore ?

What power has the senate in impeachments ?

What power has the house ?

and the senate, like a court, try the accused, and pass judgment upon him. This judgment of the senate extends only to removal from office. But, if the senate think proper, they may add a disqualification ever afterwards, to hold any office of honor, profit, or trust, under the United States.

The person impeached, is also liable to be indicted, tried and punished for the same offence, according to law.

The power of trying impeachments, which is a *judicial* act, we have said is intrusted to the senate, and yet the senate is a *legislative* body. This, is then a slight intermingling of the *legislative* and *judicial* powers. But it is rather advantageous than otherwise.

The senate is the most suitable body in the United States for the trial of such cases. It is composed of men of mature age, of distinguished talents, and of experience. Men, in whose wisdom and integrity the whole union have confidence. It is a body sufficiently large to judge wisely, and sufficiently small to judge coolly.

The senators being elected by the legislatures, are not directly responsible to the people, and, are

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How far does the judgment of the senate extend ?

Can a person who is impeached be indicted for the same offence ?

Is trying an impeachment a legislative or judicial act ?

Why is the senate the most suitable body for the trial of impeachments ?

therefore in a great measure, independent of local influences.

They are also political men, acquainted with all the duties and rights of public officers, and the offences for which a person may be impeached ; are offences " committed by public men in violation of public trust and duties."

The house would not be a suitable body for the *trial* of impeachments, for its numbers are too large. And besides, they are the direct representatives of the people, and, therefore, subject to local influences.

The Supreme Court of the United States is too small a body to be intrusted with the trial of impeachments, and besides, the same person might also come up before that court on an indictment, and thus he might be tried twice for the same offence, by the same tribunal.

The senate, when sitting as a court of impeachment, must be on oath or affirmation, as is customary with all civil and criminal courts.

If the President of the United States should be tried, the Chief Justice of the United States would preside. He is the head of the judicial

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What are the offences for which an officer may be impeached ?

Why would not the house be a suitable body to try an impeachment ?

Why would not the Supreme Court of the United States be a suitable body ?

If the President of the United States were to be tried, who would preside ?



department, and therefore the most suitable person to preside when the executive of the nation is on trial.

No person can be impeached without the concurrence of two-thirds of the members present.

In England, the House of Lords impeach or acquit by a mere majority.

The President, Vice President, and all other officers of the United States, whether executive or judicial, except officers in the army and navy, are liable to impeachment.

No representative or senator is liable to impeachment.

The time, place, and manner of holding elections for senators and representatives, is prescribed in each state by the legislature thereof, but congress may, at any time, by law, make or alter such regulations, except as to the place of choosing senators.

Congress meets regularly once a year, at Washington, on the first Monday of December, until a different day is appointed.

An extra session of congress may be called on

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How many members must concur in an impeachment ?

What is the law in England ?

What officers may be impeached ?

Can a representative or senator be impeached ?

What is said of the time, place, and manner of holding elections for senators and representatives ?

How often, when, and where does congress meet ?

How can an extra session be called ?

extraordinary occasions, by proclamation of the President of the United States.

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#### POWERS OF EACH HOUSE.

Each house is the judge of the election returns, and qualifications of its own members.

This power must be lodged somewhere, or the halls of congress would be liable to be filled with impostors. If it were lodged in any other body it would be dangerous to the legislative department. A majority of each house constitutes a quorum.

A smaller number may adjourn from day to day, and may compel the attendance of absent members.

“Each house determines the rules of its proceedings, punishes its members for disorderly behaviour, and by a vote of two-thirds may expel a member.” No assembly of men can transact business with order and deliberation, without the power of making and enforcing its own rules. This is necessary for its own dignity and self-preservation.

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Who is the judge of elections ?

How many constitutes a quorum ?

What is meant by a quorum ?

Who makes the rules for each house ?

How many votes are required to expel a member ?

## JOURNALS OF CONGRESS.

Each house keeps a Journal, which is published from time to time, except such parts as the welfare of the country requires should be kept secret.

A journal is simply a record. At the request of one-fifth of the members present, in either house, the yeas and nays must be entered on the record. That is, the names of all the members voting for a measure, are written down together under the head of "*yeas*," and the names of those voting against it, under the head of "*nays*." By this means, the votes of all the members, on the most important questions, are preserved on record.

This has a tendency to make each member careful not to give his sanction to any measure of doubtful utility, for he knows that his vote is recorded, and that the record may rise up in judgment against him at any future time.

## ADJOURNMENT.

Neither house, during the session of congress, can adjourn for more than three days without the

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Does each house keep a journal of their proceedings?

What is a journal?

At the request of how many members are the yeas and nays put on the record?

For how long can one house adjourn without the consent of the other?

consent of the other, nor to any place than that in which the two houses shall be sitting.

As it requires both houses to enact a law, it was necessary that some provision be made to prevent one house from obstructing the action of the other.

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#### PAY OF MEMBERS.

The president of the senate pro tempore, and speaker of the house, each, receives sixteen dollars a day for their services.

The senators and representatives receive eight dollars per day during their attendance in congress, and also eight dollars for every twenty miles travel.

These sums are paid out of the public treasury of the United States.

The members of the British parliament at present, receive no pay. If our legislators were not paid, the halls of congress would be filled almost exclusively with the wealthy, and those not the most worthy or talented.

In this speculating, money-making age, few men of talent would sacrifice their time and money

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What pay do the president of the senate pro tempore and the speaker of the house receive ?

What pay do the senators and representatives receive ?

Where is the money obtained ?

Do the members of the British parliament receive any pay ?



merely for the public good, with no hope of reward but empty fame. And those who would be willing to do so, might be too poor to spend three or six months a year at Washington at their own expense.

On the other hand, the compensation is so small as to offer little pecuniary inducement for political speculators to scramble for it.

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#### PRIVILEGES OF MEMBERS OF CONGRESS.

“In all cases except treason, felony, and breach of the peace, members of congress are privileged from arrest, during their attendance at the session, and in going to and returning from the same.”

Both houses of the British parliament have enjoyed the same privilege from time immemorial. Parties and witnesses in a court of justice are protected in the same way, much more ought the representatives of the interests of thousands, or the senator of a state, to be preserved from interruption in the discharge of his important duties by a petty question of dollars and cents.

No member of congress can be questioned in any other place for any speech or debate in either

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What peculiar privileges have members of congress ?

Do the members of the British parliament enjoy the same ?

What privilege is given to members of congress in order to secure freedom of debate ?

house. The same privilege is enjoyed by the legislature of every state in the union, and also by the British parliament. This is necessary in order to secure freedom of debate.

This privilege does not give any member a right to publish a speech, in which he defames and abuses others, under pretence of performing his duty; for such species of defamation, a member of congress is just as liable to the penalties of the law as any other man.

No member of congress during the time for which he has been elected, can be appointed to any civil office in the United States which has been created, or the emoluments of which have been increased during that time.

No person holding any office under the United States, can be a member of either house of congress during his continuance in office. If he wishes to be elected to congress, he must resign the other office.

This is a necessary provision, in order to prevent legislators from holding offices inconsistent with the proper discharge of their duties as legislators. It also prevents the intermingling of departments which ought to be kept distinct.

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Does this give any member a right to defame and abuse others?  
Can a member of congress hold any other office under the United States?

Why is this necessary?

## REVENUE.

Revenue is the money received from taxes, duties, imposts, sales of public lands, rents, &c., which is collected by the nation or states for public use.

All bills for raising revenue must originate in the house of representatives.

The representatives are chosen directly by the people, and are responsible to them, and are therefore better judges of the wishes of the people than the senate. For the house of representatives represents the people, but the senate represents the states.

If the power of originating "money bills" were intrusted to the senate, it might lead to great dissatisfaction and difficulty, by giving the small states too great an influence.

Though the senate may not originate "money bills," yet they may propose or concur in amendments as in other bills.

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What is revenue?

In which house must bills of revenue originate?

Why? Why should not money bills originate in the senate?

## VETO POWER.

We have said that every legislative act must pass both houses of congress before it can become a law. But this is not all. It must also be presented to the President of the United States for his signature. If he approves the bill he signs it, and then it becomes a law.

If the President refuses to sign it, he returns it to the house in which it originated, with his objections, which are entered at large on the journal, and then they proceed to reconsider their vote. If, after reconsideration, the bill is again passed by two-thirds, it is sent to the other house with the objections. If they also pass it by two-thirds, it becomes a law, notwithstanding the President's refusal to sign it.

If the President keep any bill over ten days, Sundays excepted, after it has been presented to him, it becomes a law, unless congress has in the mean time adjourned.

Every order, resolution, or vote, except on a question of adjournment, is passed in the same way.

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Must every act be presented to the president before it can become a law ?

What if he approves and signs it ?

What if he refuses to sign it ?

Can a bill then become a law without the president's signature ?

If the president keeps a bill over ten days what is the result ?



Thus, it appears that the legislative power is not all intrusted to the two houses of congress, but some portion of it is vested in the President. This is a slight intermingling of the legislative and executive powers. But the influence of the President is only negative. It operates merely as a check, for the President can originate no bill.

In England, the veto of the king is absolute, so that if he refuses to sign a bill, it can never become a law. But in the United States the veto of the President is limited, for a bill may become a law without his signature, as we have seen. In England, the veto power has not been exercised once for the last 150 years. In the United States, since the formation of the present constitution in 1789, a period of 55 years, upwards of 25 bills have been vetoed and retained by the Presidents.

There is still great difference of opinion in the United States respecting this *veto power*. The advocates of this power claim that it is a great preventive of rash and hasty legislation; that it is a salutary check that could not be removed without endangering the strength and permanency of the government; that the shortness of the presidential

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Is there any legislative power vested in the president ?

What is said of the veto of the king of England ?

Is the veto of the president limited ?

How long since the veto power was exercised in England ?

What is said of the United States since the formation of the constitution ?

What do the advocates of the veto power claim ?

term is a sufficient guaranty that it will not be exercised except for the good of the country.

On the other hand, it is said that the veto power ought to be still farther limited ; that it is a monarchical feature in our government ; that it gives one man an opportunity to set his private opinion and will against the wishes of a majority of the people. But, as the question of the veto power is one of the unsettled political questions of the day, " we leave each one to their own opinions."

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#### POWERS OF CONGRESS.

" Congress has power to lay and collect taxes, duties, imposts, and excises," in order to pay the debts, and provide for the common defence, and general welfare of the United States ; but all duties, imposts, and excises, shall be uniform throughout the United States." That is to say, taxes, duties, imposts, and excises, can be laid and collected for the payment of the public debt, to provide for the common defence and general welfare, and for nothing else. If congress were to pass any law to raise a tax for any other purpose,

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What do the opponents of the veto power say ?

What are some of the powers of congress ?

How must duties imposts and excises be ?

For what purposes may they be laid and collected ?

Does congress possess any powers except those enumerated in the constitution or necessarily implied ?

it would be unconstitutional and void. For congress possesses no powers except those enumerated in the constitution, and necessarily implied.

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### TAXES.

“All contributions by whatever name known, imposed by government upon individuals, for the service of the state, are called *taxes*.”

These contributions are known by different names. They are called duties, tythe, tribute, imposts, subsidy, customs, aid, excise, &c., but they are all included under the general name of taxes. That a government must have power to lay and collect taxes for carrying on its own operations, is evident. And if the government is to be an efficient national government, its powers of taxation must be as extensive as its wants and duties.

Taxes may be divided into two kinds, *direct* taxes, and *indirect* taxes.

Direct taxes may be divided into two kinds ; first, taxes on land ; and second, a *capitation* tax, or as it is often called a *poll tax*, that is a tax on the head or person of every individual.

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What are taxes ?

Must every government have power to lay and collect taxes ?

How extensive must the power of taxation be ?

Of what two kinds are taxes ?

How many kinds of direct taxes ?



Therefore a direct tax can be levied only on the person, or on land, or on both. It cannot be levied on personal property.

Every other method of raising a revenue, whether by duties, imposts, excises, &c., or by a tax on personal property, is called an *indirect* tax. It is necessary to understand the difference between these two kinds of taxes, because the constitution provides that they shall be "laid and collected" according to different rules. "Direct taxes are apportioned among the different states according to their respective numbers." When a poll tax is levied, every tax payer in the United States pays equally. When a land tax is levied, all the lands in the United States are taxed, with the slaves, and every land owner pays according to the amount of the value of his lands and slaves.

But the rule is different with regard to *indirect* taxes. For indirect taxes, or as they are called in the constitution, "duties, imposts, and excises," must be uniform throughout the United States. So that if there be a duty on a foreign article, as for instance on broadcloths, every person in every state will pay more or less of the tax in proportion

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What are they ?

What are indirect taxes ?

Why is it necessary to understand the difference between these two kinds of taxes ?

How are direct taxes apportioned ?

Does the same rule apply to indirect taxes ?



as he purchases more or less of the article. And if he purchased none of the cloths, of course he would pay none of the tax.

The same principle applies to every article which may be the subject of an indirect tax. If, for instance, horses were taxed one dollar each, then the owner of ten horses would pay ten dollars of the tax ; the owner of one horse would pay one dollar, and the owner of no horse would pay nothing. And it matters not in what state the tax payer may reside, if the tax be national.

The term "*Duties*" is sometimes used to signify nearly the same as taxes ; but it is oftener applied to those taxes which are paid on imported or exported goods and merchandize. Any sum of money required by government to be paid on the importation, exportation, or consumption of goods, is a *duty*. Duties are paid at or near the borders of a country as the goods are brought into, or carried out, of the country.

Bringing goods secretly into a country without paying the duties, is called *smuggling* ; and goods thus imported and seized by a custom-house officer, are taken from the owner, sold at public auction, and the monies arising from the sale appropriated to the use of the United States. A vessel bringing

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What is meant by duties ?

Where are duties paid ?

What is smuggling ?

How may smuggled goods be disposed of ?

in smuggled goods is also liable to be taken and sold in the same way.

Although the duty is paid in the first instance by the importer, yet he gets his money back again. For when he sells, he raises the price of the goods sufficiently to cover not only the first cost of the goods but also the duty which he has paid ; so that the duty is finally paid by the consumer.

The term "*imposts*" differs little from duties, and applies to imported goods only. The terms duties, imposts, customs, &c., in the United States, are all included under the general name of *tariff*.

Governments are usually averse to laying direct taxes, as the people are less willing to pay them than indirect taxes. Only three direct taxes have been laid in the United States since the formation of the federal government.

It has been provided by our constitution that "representatives and direct taxes shall be apportioned among the several states within this union, according to their respective numbers." Notwithstanding the constitution mentions "states," it has been decided by the Supreme Court of the United States that direct taxes may be laid at the same

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Who pays the duty in the first instance ?

Who pays it finally ?

What is meant by imposts ?

Why are governments averse to laying direct taxes ?

How many direct taxes have ever been laid in the United States ?

time on the district of Columbia, and on the territories, although they have no representatives in congress. For the term "United States" is the name of the American Empire, and includes states, districts and territories; in a word, all lands over which the government of the United States extends, and has jurisdiction. So that the territories are as much a part of the United States as Virginia or Pennsylvania.

Therefore, that clause in the constitution above mentioned, was not introduced to restrict direct taxes to the states, but to show how direct taxes should be *apportioned*.

But congress have a discretionary power to extend a direct tax to the district and territories, or to limit it to the states.

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#### POWER OF CONGRESS TO BORROW MONEY.

"Congress has power to borrow money on the credit of the United States." There may be times when the immediate revenue of the government will not be sufficient to meet necessary expenses,

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Can a direct tax be laid on the district of Columbia and the territories ?

What is included under the term United States ?

What discretionary power has congress ?

Has congress power to borrow money on the credit of the United States ?



as in cases of emergency, or in any unexpected failure of the usual sources of revenue. If congress had not this power of borrowing money and pledging the United States for the payment of it, the efficiency of the national government would be impaired, and its very existence endangered. But by obtaining a loan, the government might still continue its operations in undisturbed activity.

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#### POWER OF CONGRESS TO REGULATE COMMERCE.

“Congress has power to regulate commerce with foreign nations.” Commerce is an interchange of goods or productions between nations or individuals by barter, or by purchase and sale. Thus we send our cotton, tobacco, rice, &c. to Europe ; and we send to the West Indies for sugar, molasses, coffee, &c. ; to China, for teas ; to the East Indies for silks, spices, and other things. These transactions are called *commerce*.

One of the great objections to the articles of confederation was that they gave no power to the general government to regulate commerce. Foreign governments could impose heavy duties on all

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Why is such a power necessary ?

What power has congress with regard to commerce ?

What is commerce ?

What was one of the great objections to the articles of confederation ?



American products brought to their market, but such was the want of combination among the several states, that they could not unite on any scale of duties to be imposed on foreign goods brought to our market.

Thus they enriched themselves at the expense of the United States. The merchants were therefore among the first and most urgent for a constitution which would give congress power to protect the commercial interests of the country.

Commerce has ever been one of the great sources of national wealth. The United States engaged in it early, extensively, and perseveringly ; and now our merchant vessels are seen in every sea, bearing aloft our national flag, with its stripes and stars flopping in the breeze.

The questions arising from the commerce of the country, have been among the most important and exciting that have arisen since the adoption of the constitution. The highest talent in the union has been called out in debates in congress on these questions, and the very existence of the union has been threatened.

This power of congress to regulate commerce, is a very general and extensive power. Under it

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Why was this objection an important one ?

Who were the first to move for a constitution ?

What is said of the commerce of the United States ?

What power has congress with regard to vessels ?

congress has power to make all necessary regulations for the navigation of vessels ; to determine what shall constitute an American vessel ; to require that they shall be navigated by American seamen, &c., &c.

Congress has power to regulate not only foreign commerce, but also " commerce among the states." The products of the United States are so various and abundant, that the traffic from one part of the union to another is of great importance. If one state or more could make a regulation, or pass a law to benefit themselves at the expense of the rest of the states, injustice and irregularity must have been the result.

If, for instance, the state of Virginia could lay a state tax or duty on all boots and shoes brought into that state from the northern states, she would be enriching herself at the expense of the northern states.

Or, suppose Georgia were to lay a duty on boots and shoes from Massachusetts, while she admitted those from other states free ; it would be unjust to Massachusetts, and would probably drive her goods out of the Georgia market. Massachusetts might reciprocate the act by laying a duty on all cotton from Georgia, and thus destroy the trade between the two states.

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Has congress any power over commerce among the states ?

Why ought congress to have power to regulate commerce among the states ?

But as the states have delegated this power to the general government, that government alone can exercise it. The states themselves have no farther control of it.

Under this power congress has a right to regulate the coasting trade, and fisheries, and the duties of seamen on board of vessels of the United States, to place buoys and build lighthouses, to remove obstructions in creeks and rivers, to enact quarantine laws, &c. Congress has also power to regulate commerce with the Indian tribes.

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#### NATURALIZATION LAWS.

We have seen that the constitution of the United States was adopted by the people of the several states. All who voted, or who had a right to vote at that time were parties to the contract, and of course were entitled to the right of citizenship under the new government. This right of citizenship is, in a measure, a hereditary right which descends, so that all people born in the United States, of parents who were citizens, are entitled to the rights of citizenship also.

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Whence does the general government derive this power ?

What further rights has congress under this power ?

What is said of the Indian tribes ?

By whom was the constitution of the United States adopted ?

Who were entitled to citizenship ?

Are the children of citizens entitled to citizenship ?



But persons coming from foreign countries are not entitled to the right of citizenship unless the United States choose to confer it upon them.

The process by which this right is conferred, is called *naturalization*. And the laws which prescribe this process are called naturalization laws.

If the power of enacting these laws was intrusted to the states, they might make conflicting laws. For instance, one state might require a residence of twenty-one years before a foreigner could be naturalized, while another state might require a residence of only two years. Now as the citizens of one state are entitled to the rights and privileges of citizens in another state, foreigners might come into the state which required only two years residence, and after becoming naturalized immediately remove into the state requiring 21 years, and claim the right of citizenship there.

In order to prevent all such and similar inconveniences the constitution gives congress power to establish a uniform rule of naturalization.

Accordingly in 1790, congress passed an act requiring a foreigner by birth, to reside two years in the United States before he could become a nat-

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Are foreigners entitled to the rights of citizenship in the United States ?

What is meant by naturalization ?

Why may not the states enact naturalization laws ?

What power has congress over the subject of naturalization ?

What did the act of 1790 require ?



uralized citizen. In 1795, another act was passed by congress lengthening the time of previous residence to *five* years.

In 1798 another act was passed extending the previous residence to *fourteen* years. In 1802 the time was again shortened to *five* years, and has so continued to the present time.

An alien in the United States cannot hold and transfer real estate, or lands, in his own name ; so he sees the propriety of securing a citizenship in order to be upon an equal footing, in this respect, with native citizens.

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#### BANKRUPT LAWS.

Congress has power to establish “uniform laws on the subject of bankruptcy, throughout the United States.”

Merchants and other individuals are exposed to sudden and heavy losses which no human foresight can provide against. A storm at sea, the burning of a ship or other property, a piratical cruiser, wars, blockades, embargoes, &c., may in a single

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What did the act of 1795 require ?

What did the act of 1798 require ?

How long a residence is now required before a foreigner can be naturalized ?

Can an alien hold and transfer real estate or lands ?

What power has congress over bankruptcy ?

hour, sweep away the products of a long life of industry and perseverance in business.

Commercial countries have therefore frequently adopted measures for the relief of insolvent debtors. England has had a bankrupt law for the last three hundred years. And also every commercial state in Europe has for a long time had either bankrupt or insolvent laws.

The United States have attempted the experiment but seldom, and then for only a short time. The late bankrupt law was passed on the 19th of August, 1841. But it was so unpopular among the people that it was repealed, by the next congress, on the 3d of March, 1843.

The states have the power of passing bankrupt laws when there is no bankrupt law of the United States in force ; but they are suspended if congress pass a bankrupt law, and continue suspended till the law of congress is repealed, and then revive.

Bankrupt laws generally provide that when a debtor gives up all his property, of every description, for the benefit of his creditors, that he shall forever after be exonerated from paying debts previously contracted.

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What class of people are liable to severe and sudden losses ?

Why ? How long has England had a bankrupt law ?

What is said of other commercial states ?

When was the late bankrupt law of the United States passed ?

When was it repealed ?

Can the states pass bankrupt laws ?

Under insolvent laws, though a debtor may give up all his property for the benefit of his creditors, yet should he afterwards be able he would be liable for debts previously contracted.

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#### NAVY AND MILITIA.

The protection of commerce requires a navy to be in a constant state of preparation. Hence congress has been empowered "to provide and maintain a navy." The navy of the United States has never been large, but it has thus far been sufficient to protect our commerce.

But the foes of a government may not always be foes without. There may also be foes within. Riots, mobs, insurrections or civil wars may arise. To meet these and other dangers the constitution gives congress power to "provide for calling forth the militia to execute the laws of the union, suppress insurrections and repel invasions." Thus the militia was called out by President Washington to suppress the famous whiskey insurrection in the state of Pennsylvania in 1794.

The militia was also called out to repel invasion in the late war with Great Britain.

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For what is a navy needed ?

What power has congress as to a navy ?

What power has congress as to the suppression of insurrections, mobs, &c.

When were the militia called out to suppress insurrection ?

The militia have also been frequently called out to co-operate with the militia of the states in repelling the incursions of the Indians.

It belongs exclusively to the President to decide when the exigency has arisen, requiring the aid of the militia. He then issues the call, and all the subordinate officers and privates, according to militia discipline, are bound to obey. For the President is not only commander-in-chief of the militia when in the field, but he has power also to call them on to the field.

In the United States the power of declaring war is lodged in congress. In Great Britain the same power is vested in the crown. No state can engage in war unless in time of actual invasion or in cases of great danger.

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#### MONEY.

Money is the standard by which all merchandize is valued. It should be of uniform value throughout a whole nation. Consequently the constitution gives congress power "to coin money, to regulate the value thereof, to regulate the value

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When were they called out to repel invasion?

Who is to decide when it is necessary to call out the militia?

What power has congress as to war?

What is the standard by which merchandize is valued?

Should it be of uniform value throughout the United States?



of foreign coin," and also to punish counterfeiters of the coin of the United States.

For similar reasons congress has power "to fix the standard of weights and measures."

With a view of coining money a mint was established at Philadelphia in 1792, where gold, silver and copper coins are produced. Branches of this mint have since been established in different parts of the country.

An eagle is valued at ten dollars, and must weigh 11 pennyweights and 6 grains of gold. A dollar must weigh 17 pennyweights and 7 grains of silver. And a cent must weigh 11 pennyweights of copper.

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#### POST OFFICE DEPARTMENT.

The establishment of post offices, and post roads, is among the powers given to congress. As the mail is to be carried in every direction all over the union, the state governments could not be intrusted with the Post Office Department without leading to endless difficulties.

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What power has congress as to money ?

Where and when was a mint established ?

What kinds of coin are made there ?

Is there more than one mint in the United States ?

What are the weights of those coins ?

What power has congress over weights and measures ?

What power has congress over post offices and post roads ?

Under this power congress has also laid out and built new roads with the consent of the states through which they pass. And in the case of the road from Nashville to Natches, the consent of the state was not obtained.

The Post Office Department was not originally intended to be so much a source of revenue to the country as a matter of convenience to the people. Through its operations the facilities of correspondence, &c., have been greatly augmented. Of late a reform has been introduced into this department reducing the postage on letters, newspapers, pamphlets, magazines, &c.

According to the post office bill which passed at the last session of Congress (1845) and to take effect in July following, the rates of postage have been much reduced. For letters not weighing over half an ounce, the postage is 5 cents, for 300 miles; over 300 miles 10 cents. Formerly there were four rates for single letters, viz: 6,  $12\frac{1}{2}$ ,  $18\frac{3}{4}$  and 25 cents, according to distance.

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#### PATENTS AND COPY RIGHTS.

The author of a new and valuable work, and the inventor of a new and improved machine, are public benefactors. They deserve a recompense

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Why might not this power have remained in the states?

What are the rates of postage on letters?

What were they formerly?

for their labors. Congress is therefore empowered by the constitution, to secure to them for a limited time the exclusive right to their respective inventions, writings or discoveries. If they have produced any thing valuable they are thus enabled to enjoy the fruits of their own genius. This affords encouragement to others to "seek out new inventions;" for the hope of reward is one of the strongest inducements to human action.

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#### PIRACY.

Piracy is often defined to be robbery on the high seas. But by act of congress of 1790, murder, robbery, or any offence which if committed on land would be punishable with death by the laws of the United States, is defined *piracy*.

The sea is a great highway, common to all nations. And all nations have jurisdiction over it as to all offences committed by their own sailors on board their own vessels.

Pirates being plunderers of the seas and enemies to all nations, may be punished by any nation.

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What power has congress as to authors of books and inventors of machines ?

Why is this power given to congress ?

How is piracy often defined ?

How is it defined by act of 1790 ?

Who has jurisdiction over the sea ?

Why may pirates be punished by any nation ?

For the constitution gives congress power "to define and punish piracies and felonies committed on the high seas, and offences against the law of nations. The term "high seas" means all the ocean bays, channels, &c., below low water mark, around the world.

The "law of nations" is the rules and regulations arising from necessity, or adopted by common consent, among all civilized nations.

As there is no great general government including the civilized world, to enforce these laws, each nation is bound to obey them as the law of nature and reason.

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#### DISTRICT OF COLUMBIA.

About the close of the Revolutionary war, the continental congress, then sitting at Philadelphia, was surrounded and insulted by a body of mutineers from the continental army. Congress applied to the executive authority of Pennsylvania for protection, but were unable to obtain it. They then adjourned to Princeton, in New-Jersey. And

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What power has congress as to piracies ?

What is meant by the term high seas ?

What is the law of nations ?

Who enforces these laws ?

When and where was congress surrounded and insulted by a mob ?

What measures did congress take to guard themselves against any like occurrence in future ?



from thence they soon after adjourned to Annapolis, in the state of Maryland. In order to guard against such intimidation, the constitution gives congress "exclusive legislation over a district not exceeding ten miles square, which may become the seat of government of the United States."

In 1790, the States of Maryland and Virginia ceded a tract of land ten miles square to the United States, which has since been called the District of Columbia. In 1800, the city of Washington, situated in that district, became the seat of government of the United States, and has so continued till the present time. The President of the United States and the chief executive officers of the general government reside there. Congress and the supreme court of the United States meet there every year.

The District of Columbia has no representative in congress, and yet congress has power to lay duties, imposts, and excises, or a direct tax upon it, as we have already seen.

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When and by what states was the District of Columbia ceded to the United States ?

When did Washington become the seat of government ?

What officers reside at Washington ?

What bodies meet there ?

Has the district of columbia any representative in congress ?

**AUXILIARY AND IMPLIED POWERS OF CONGRESS.**

The several specified powers of congress having been enumerated, the constitution concludes by giving a general authority to congress, to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, vested by the constitution in the government of the United States, or in any department or office thereof.

One of the implied powers of congress is the power to erect corporations.

A corporation is an artificial person. A corporation is generally composed of several individuals, and is then called a corporation aggregate. A bank is a *corporation aggregate*.

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**INTERNAL IMPROVEMENTS.**

The question whether congress has power to make appropriations of money for internal improvements, has undergone much discussion. If the improvement is of a local nature, and of local

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Has congress any implied powers ?

What is a corporation ?

Of what is it generally composed, and what is it then called ?

What is a bank ?

Under what circumstances has congress power to make appropriations for internal improvements ?

benefit only, congress undoubtedly has no power to make any appropriation for such a purpose.

But, if the improvement is of a general nature, and is, or will be, of general use to the United States, congress has power to make all necessary appropriations to carry it on. For instance, if a canal was necessary for the commercial intercourse of one state with another, congress, under the power to regulate commerce, would have, as incident to that power, authority to construct such a canal. And for the same reason, congress would have authority to build lighthouses, piers, buoys and beacons, &c.

As incidental to the power to declare war, congress has authority to purchase grounds and build forts, arsenals, dock-yards, navy-yards, magazines, &c. For, whenever any power is granted to congress by the constitution, every right necessary for the full exercise of that power is included in the grant.

There is no express power given to congress to add new territory to the United States by treaty, purchase, cession, or otherwise; and yet, congress, by the purchase of Louisiana and Florida, has added to the United States a territory equal to the whole original territory of the union. This

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What power has congress incidental to the power to declare war?  
Is there any express power given to congress to add new territory to the United States?

has been done under the implied powers of congress, by giving a very liberal construction to the constitution. The argument of *necessity* was strongly urged ; for the safety and general welfare of the United States required the possession of the mouth of the Mississippi, it being the highway to the Gulf of Mexico.

The purchase of Florida was considered necessary for the protection of our southern frontiers.

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#### EMBARGO.

An embargo is a prohibition of vessels to go into or out of a port.

Under the general power to regulate commerce, congress in 1807 laid an embargo on all ships within the jurisdiction of the United States, bound for any foreign port.

By this means all foreign commerce was cut off. The commercial states suffered severely before the embargo act was repealed, which was done in about a year and a half afterwards.

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Under what authority was Florida and Louisiana added to the United States ?

What is an embargo ?

Under what power of congress can an embargo be laid ?



## RECORDS, &amp;c.

Each state is still a sovereign state as to the exercise of all powers not granted to the general government. Therefore each state ought to recognize the public acts, records, &c., of every other state as valid and conclusive, for otherwise one state might interfere with the acts of another state, reverse its judicial decisions, &c., &c. The constitution therefore declares that "full faith and credit shall be given in each state to the public acts, records, and judicial proceedings of every other state."

## NEW STATES.

Congress also has power to admit new states into the union.

The states at the time of the adoption of the constitution, were thirteen in number. They are called the thirteen original states. Their names are as follows :

|                 | Square Miles. | Settlement. |
|-----------------|---------------|-------------|
| Virginia, - - - | 64000 - - -   | 1607        |
| New York, - -   | 46000 - - -   | 1614        |

As to what is each state still sovereign ?

How are the public acts, records, &c., of each state to be regarded in the other states ?

Who has power to admit new states to the union ?

|                  | Square Miles. | Settlement. |
|------------------|---------------|-------------|
| Massachusetts, - | 7500 - - -    | 1620        |
| New Hampshire,   | 9500 - - -    | 1623        |
| New Jersey, -    | 8300 - - -    | 1624        |
| Delaware, - -    | 2100 - - -    | 1627        |
| Connecticut, -   | 4760 - - -    | 1633        |
| Maryland, - -    | 14000 - - -   | 1634        |
| Rhode Island, -  | 1360 - - -    | 1636        |
| North Carolina,  | 48000 - - -   | 1650        |
| South Carolina,  | 24000 - - -   | 1650        |
| Pennsylvania, -  | 44000 - - -   | 1682        |
| Georgia, - - -   | 60000 - - -   | 1733        |

Thirteen new states have been admitted to the union by congress since the adoption of the constitution, so that the whole number of states is twenty-six. The names of the new states are as follows :

|            | Square Miles. | Settlement. | Admitted. |
|------------|---------------|-------------|-----------|
| Vermont,   | 10200 -       | 1749 -      | 1791      |
| Kentucky,  | 42000 -       | 1775 -      | 1792      |
| Tennessee, | 40000 -       | 1765 -      | 1766      |

How many states were there at the time of the adoption of the constitution ?

What are their names ?

How many new states have been admitted to the union ?

What are their names ?

How many states are there now in the United States ?

Which state is the largest, and how many square miles does it contain ?

Which state is the smallest, and how many square miles does it contain ?

|              | Square miles. | Settlement. | Admitted. |
|--------------|---------------|-------------|-----------|
| Ohio,        | 39000         | - 1788      | - 1802    |
| Louisiana,   | 48000         | - 1699      | - 1812    |
| Indiana,     | 36000         | - 1730      | - 1816    |
| Mississippi, | 45000         | - 1716      | - 1817    |
| Illinois,    | 52000         | - 1749      | - 1818    |
| Alabama,     | 44000         | - 1783      | - 1820    |
| Maine,       | 32000         | - 1630      | - 1820    |
| Missouri,    | 60000         | - 1663      | - 1820    |
| Michigan,    | 40000         | - 1670      | - 1836    |
| Arkansas,    |               | - 1685      | - 1836    |

Though congress has power to admit new states, yet it cannot form any new state within an old one, or by joining two states or parts of states, unless with the consent of the legislatures of the states concerned.

There remains yet a vast extent of territory west of the Mississippi, belonging to the United States, out of which other new states may hereafter be formed.

“Congress has power to dispose of and make all needful rules and regulations respecting the territory and other property belonging to the United States.” All such territory is the property of the United States, and therefore subject to the control of congress.

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Which state was first settled ?

Which last ? .

Which states were last admitted to the union ?

Can congress form a new state within an old one ?

Thus, congress may sell the lands, may erect a territorial government, and confer upon it such legislative, judicial and executive power as may be deemed necessary, &c.

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#### POWERS PROHIBITED, SLAVE TRADE.

The constitution having specified certain powers which congress may exercise, also mentions other powers which congress is prohibited from exercising. Thus, congress is forbidden to prohibit the slave trade previous to the year 1808.

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#### HABEAS CORPUS.

When a person is illegally arrested or imprisoned, he is not compelled to wait for a hearing till the regular term of the court, but he may have a writ of "*habeas corpus*," and be immediately brought before a judge. And if it appears that he is illegally detained, he is entitled to an immediate discharge. The term *habeas corpus*, means *you may have the body*. The writ of *habeas corpus* therefore authorizes the officer to whom it is

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Out of what territory can new states be formed?

What power has congress over the territory and other property belonging to the United States?

What is the remedy when a person is illegally arrested or imprisoned?



directed, to bring forth the body of the prisoner from confinement, to have an immediate hearing. This writ of *habeas corpus* has justly been considered the "bulwork of personal liberty." Congress has therefore been prohibited from "suspending the privilege of *habeas corpus*, unless in time of rebellion or invasion, when the public good requires it."

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#### BILL OF ATTAINDER.

The legislature of England has power to pass special acts authorizing the infliction of capital punishment, without trial, on persons suspected of high crimes, such as treason and felony. And such a special act is called a "*bill of attainder*."

If such act authorize a less punishment than death, it is called a "*bill of pains and penalties*." Such power in a legislature is contrary to the spirit of liberty, and inconsistent with a free government. In order to prevent any such power from ever being assumed by our national legislature, the constitution prohibits congress from passing any such bills.

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What does the term *habeas corpus* mean ?

What does the writ of *habeas corpus* authorize the officer to do ?

What has congress been prohibited from doing ?

What is a bill of attainder ?

## EX POST FACTO LAWS.

In the European governments, sometimes laws have been passed by which an act previously done may be punished as a crime, although there was no law against it when done. Such laws are called *ex post facto laws*.

Where laws can be made in that way, the most innocent transactions may subsequently be declared to be crimes, and punished as such. Congress is therefore very properly "prohibited from passing any *ex post facto law*."

Congress can grant no title of nobility. The only nobility which a free country can permit, is nature's nobility. And every titled foreigner wishing to become a citizen of the United States, must renounce his title before he can be naturalized.

To prevent undue foreign influence and interference, the constitution provides that no person "holding any office of profit or trust under the United States shall, without the consent of congress, accept of any present, office or title, from any king, prince, or foreign state."

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Is congress allowed to pass any bill of attainder ?

What is an *ex post facto law* ?

Why is congress prohibited from passing any *ex post facto law* ?

Can congress grant any title of nobility ?

What must a titled foreigner do before he can be a citizen of the United States ?

Hence, when the Imaum of Muscat sent a span of beautiful Arabian horses to the President of the United States, as a present, he was not allowed to receive them, and they were accordingly sold at auction as the property of the United States, and the proceeds of the sale deposited in the treasury.

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#### STATE POWERS PROHIBITED.

We have said that when the colonies shook off the British yoke they become independent, sovereign nations ; that when they adopted the present constitution they granted sovereign power to the national government ; and that all power not so granted remained in the states.

Lest the powers granted to the general government, and the powers remaining in the states should interfere with each other, the states have prohibited themselves from exercising certain powers. Thus the constitution provides that no state shall enter into any treaty, alliance, or confederation. For if Louisiana, for instance, as some maintain, has a right to enter into a treaty with Texas, and unite that country with Louisiana as a part of the state, the general government might, without

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What is said about receiving presents ?

Why are states prohibited from exercising certain powers ?

Can any state enter into a treaty, alliance or confederation ?

Why ?

her own consent, be plunged into a war with Mexico. And besides it might interfere with the interests of some neighboring state. If one state could annex territory to itself so could another, and on the same principle Arkansas might annex Mexico to itself, or New York might annex the Canadas.

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#### LETTERS OF MARQUE AND REPRISAL.

When the subjects of one nation have received injuries from the subjects of another nation, or when one nation refuses to pay debts which she justly owes to another nation, the government of the injured nation sometimes grant commissions to its subjects, authorizing them to seize the vessels of the offending nation and indemnify themselves out of the proceeds. This may be done without a declaration of war.

The commissions authorizing such a method of redress are called "letters of marque and reprisal."

As such a short method of collecting debts always renders a nation more or less liable to a war, the power of granting letters of marque and reprisal, ought to be vested only in the general gov-

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What evil effects might result from a state's having power to annex new territory to her bounds ?

When the subjects of one nation receive injuries from the subjects of another nation, what remedy is sometimes pursued ?

What are such commissions called ?



ernment. Therefore the constitution declares that "no state shall grant letters of marque and reprisal." Were it otherwise one state might, at pleasure, involve the whole union in a war.

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#### BILLS OF CREDIT.

No state can coin money or emit bills of credit, or make anything a lawful tender in payment of debts, but gold and silver coin.

For several years previous to the adoption of the constitution the country had suffered much from bills of credit. In 1775, the continental congress authorized the issue of "bills of credit" to the amount of three millions of dollars. But no paper money of any description will pass at par with gold and silver, unless it can command the gold and silver at any moment.

These bills of credit were based entirely on the faith of the confederation. The prospects of their redemption was very remote. Such being the case, no human power could save them from great and rapid depreciation. They did depreciate, and

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Can a state grant letters of marque and reprisal ?

Why ?

What is said of the power of a state respecting money ?

What bills did the continental congress authorize to be issued ?

What kind of paper money can pass at par with gold and silver ?

What law did congress pass to prevent the depreciation of paper money ?

congress attempted to remedy the evil by declaring that "whoever should refuse to receive this paper, in exchange for any property, as gold and silver, should be deemed an enemy to the liberties of these United States."

Such a desperate remedy indicated a desperate disease, and the bills of course depreciated more rapidly than ever. New issues continued to be made till the whole amounted to three hundred and fifty millions of dollars.

The bills continued to decrease more and more till 1780, when they were worth nothing, and died in the hands of the holders.

No state can pass any *bill of attainder* or *ex post facto law* ; nor grant any title of nobility.

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#### CONTRACTS.

A contract is a mutual agreement between two persons or parties. Almost all the business transactions between man and man are performed by entering into *contracts*, either express or implied. When the parties have entered into a contract vol-

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What was the effect of this law ?

What amount of those bills were issued ?

What finally became of those bills of credit ?

Can a state pass any bill of attainder, or ex post facto law, or grant any title of nobility ?

What is a contract ?

untarily, and in good faith, both are bound by it. If any third party could nullify or impair the contract the right of one or both parties would be destroyed.

Merchants of one state contract with the merchants of other states, so that all the states are connected with each other in mercantile affairs. If the one state had the power to enact a law impairing contracts, it might, perhaps, injure persons in every state in the union. Hence the constitution prohibits any state from "passing any law impairing the obligation of contracts."

No state can grant any title of nobility, nor keep troops, or ships of war, in time of peace, without the consent of congress.

We have said that the government of the United States is divided into three departments, the Legislative, Executive, and Judicial; and that the legislative department was vested in the two houses of congress limited by the veto of the president.

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By what means can merchants of one state transact business with merchants of another state?

Can a state pass any law impairing the obligation of contracts?

Why?

Can a state keep troops or ships of war in time of peace, without the consent of congress?

Into what three departments is the government of the United States divided?

In what is the legislative department vested?

## EXECUTIVE DEPARTMENT.

In all monarchical governments, the executive power is vested in the king. In the United States it is vested in a president.

The executive power is the power which *executes* the laws. It must be vested in some person or persons who can act promptly, unitedly and efficiently. These advantages can be best secured by intrusting this department to *one man*. If this power was intrusted to two or more persons, they might disagree, and dangerous and ruinous delays might be the result.

In Great Britain and other monarchical countries the king reigns not only during his life, but the crown is hereditary in his family.

In the United States, as we have said, the president is elected every four years, by the people, and can continue in office only four years, unless he is re-elected. The people, therefore, every four years

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In monarchical governments where is the executive power vested ?

In the United States where is it vested ?

What is the executive power ?

Is it well that the executive power is vested in one man ?

Why ?

In monarchical countries how long does the king reign ?

Is the crown hereditary ?

How does the president of the United States come into power ?

How long does he continue in office ?

Can he be re-elected ?



have an opportunity of placing the Executive power in new hands if they think it not safe to intrust it to the same person any longer.

The constitution does not limit the number of terms for which a president may hold his office, but it has been a custom, thus far to re-elect him but once. Therefore when a president is re-elected he holds his office eight years, or two terms ; when not re-elected he holds his office for four years or one term.

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#### VICE-PRESIDENT.

A vice-president is chosen at the same time that the president is chosen, and holds his office for the same time. The vice-president may also be re-elected. In case of the death, resignation or impeachment of the president, the vice-president performs the duties of president till the next election.

While the president is performing the duties of his office the vice-president's only duty is to preside over the senate during the sessions of congress, and in case of a tie to give the casting vote.

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What has been the custom ?

When and for how long is the vice-president chosen ?

Can he be re-elected ?

When does the vice-president perform the duties of president ?

At other times what is his duty ?

The only instance of the death of a president, was that of William H. Harrison, who died on the 4th of April, 1841, only one month after his inauguration. John Tyler, who was elected vice-president, thus became acting president, and continued to perform the duties of the office till the expiration of the term, which was on the 4th of March, 1845. On the 4th of March, James K. Polk, the new president was inaugurated.

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PRESIDENT AND VICE-PRESIDENT, HOW CHOSEN.

The president and vice-president are not elected directly by the people. The people vote directly for electors, and the electors vote directly for the president and vice-president. Each state is entitled to as many electors as it is entitled to have senators and representatives in congress. The number of electoral votes in the presidential election of 1844 was 275. Necessary to a choice, 138.

|               |    |                |    |
|---------------|----|----------------|----|
| Maine had     | 9  | Michigan       | 5  |
| New Hampshire | 6  | Maryland       | 8  |
| Massachusetts | 12 | North Carolina | 11 |
| Rhode Island  | 4  | Mississippi    | 6  |

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Which one of the presidents died and when ?

Who succeeded him ?

How are the president and vice-president chosen ?

How many electors is each state entitled to ?

How many votes were all the states entitled to in 1844.

How many were necessary to a choice ?

|              |    |                |    |
|--------------|----|----------------|----|
| Connecticut  | 6  | Ohio           | 23 |
| Vermont      | 6  | Illinois       | 9  |
| New York     | 36 | South Carolina | 9  |
| New Jersey   | 7  | Louisiana      | 6  |
| Pennsylvania | 26 | Indiana        | 12 |
| Delaware     | 3  | Arkansas       | 3  |
| Virginia     | 17 | Georgia        | 10 |
| Alabama      | 9  | Tennessee      | 13 |
| Kentucky     | 12 | Missouri       | 7  |

No senator or representative, or person holding an office of profit or trust under the United States can be an elector. The manner of choosing the president and vice-president is as follows :

The electors meet in their respective states, and vote by different ballots for president and vice-president, one of whom must not reside in the same state as themselves. They make out a correct list of all the votes cast, and for which office. This list they seal up and send to Washington city, directed to the president of the senate. The president of the senate, in the presence of the members of the senate and the house, opens these lists and counts the votes.

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Who was elected ?

Which state has the largest number of electoral votes ?

Which has the smallest number ?

Which states have 6 votes ?

Which 9 ? Which 12 ?

Who cannot be an elector ?

What is the mode of choosing the president and vice-president ?

And if either of the candidates for the presidency has a majority of all the votes cast for that office, he is declared elected. If no one has such a majority, then the house of representatives proceed immediately to choose the president by ballot from the three highest candidates voted for, for that office. In that case the votes are by states; the representation from each state having but one vote on the occasion.

Representatives from two-thirds of the states are necessary for a quorum, and a majority of all the states is necessary for a choice.

If the house do not make a choice before the 4th of March next following, the presidential chair is considered vacant, and the vice-president acts as president.

When the president of the senate has counted the votes for president, he then counts the votes for vice-president. And if either of the persons voted for, for vice-president, have a majority of all the votes cast for that office, he is declared elected.

If no one has such a majority, then the senate

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Under what circumstances do the house of representatives choose the president and vice-president ?

In that case how many votes has each state ?

How many representatives are necessary to a quorum ?

What majority is necessary for a choice ?

What if the house do not make choice before the 4th of March next following ?

How many votes must the vice-president have in order to be elected by the people ?



choose the vice-president, from the two highest on the list. Two-thirds of the whole number of senators is a quorum for this purpose, and a majority of the whole is necessary to a choice.

The same qualifications are required for vice-president as for president.

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#### QUALIFICATIONS FOR PRESIDENT.

To be eligible to the office of a representative, as we have seen, a person must be 25 years of age, and must have been seven years a citizen of the United States.

To be eligible to the office of senator, a person must be 30 years of age, and must have been nine years a citizen of the United States.

The office of president being the highest office in the United States, the highest degree of qualification is necessary to render a person eligible to that office. The president therefore must be a natural born citizen of the United States. He must have been fourteen years a resident of the United States and also must be 35 years of age.

If the presidential chair become vacant during a presidential term, the vice-president would take his

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If there is no choice of vice-president by the people how is he to be chosen ?

What are the qualifications for a representative ?

What are the qualifications for a senator ?

What are the qualifications for president and vice-president ?

place and act as president. If the vice-president, when acting as president, should resign, die, or be impeached, the president of the senate pro tempore would then perform the duties of president of the United States.

If he should fail then the duties of the president would devolve on the speaker of the house of representatives, until a new president should be elected.

The salary of the president is \$25,000 per year. The salary of the vice-president is \$5,000 per year.

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#### POWERS OF THE PRESIDENT.

The president is commander-in-chief of the army and navy of the states when called into the service of the United States. The president is the chief executive of the nation, and is always ready to act promptly and efficiently, and it is to be presumed wisely. Congress alone can declare war, but the president commands the army as soon as it is declared. He is not obliged to command in per-

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If the presidential chair becomes vacant who succeeds to the office of president ?

If the vice-president should then die who would act as president ?

And if the president of the senate should fail who then would act as president ?

What is the salary of the president ?

What of the vice-president ?

Of what is the president commander-in-chief ?

Why ?

Is the president obliged to command in person ?

son, but may authorize another to command in his place.

In Great Britain the king is not only commander-in-chief of the army, navy, and militia, but can declare war, and then raise armies and navies, and call forth the militia to carry it on.

Laws cannot be made so as exactly to meet every case. When reputation, liberty and life are at stake it becomes a matter of the highest importance to the offender that no more than justice be done him. He may have violated the law ignorantly, or he may have reformed. New testimony proving him innocent, or greatly mitigating his crime, may have been discovered since sentence was passed.

To meet such and similar cases the power of granting reprieves and pardons for offences against the United States, except in impeachment cases, is lodged in the hands of the president.

The president negotiates all treaties, but two-thirds of the senators present must concur, by yeas and nays, or the treaty is void. Thus at the session of congress in 1843-4, President Tyler entered into a treaty of annexation with Texas, but the senate refused to ratify it, and therefore it could not take effect.

The president nominates all ambassadors, and

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What is said of the king of Great Britain ?

Has the president power to grant reprieves and pardons ?

What cases can he not pardon ?

Who negotiates treaties with other nations ?

Who must concur in those treaties ?



other public ministers, consuls, all judges of the supreme court, and all other officers out of the United States, not provided for in the constitution, but all such nominations must be approved by the senate.

If the senate reject the person nominated, the president nominates another, or re-nominates the same. The *appointment* is not fully made till the president has nominated, the senate approved, and the president has signed the commission.

In England, the king alone makes all the treaties of peace, alliance, commerce, and treaties of every kind. He also appoints all foreign ministers, ambassadors, &c.

The president having the general care and oversight of the interests of the nation, both foreign and domestic, is required "to give information to congress from time to time of the state of the union, and to recommend to their consideration such measures as he shall judge necessary and expedient." Accordingly, as soon as congress has met and organized, the president sends in his annual MESSAGE. And also, during the session of congress, the president sends in other messages.

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What officers does the president nominate ?

Must they all be approved by the senate ?

What if the senate reject the person nominated ?

When is the appointment fully made ?

How are these matters managed in England ?

Of what is the president from time to time to give information to congress ?



Occasions may arise during the recess of congress, such as foreign invasion, national calamities, insurrections, &c., when the safety of the nation requires immediate action. The constitution therefore provides that "the president may convene both houses of congress, or either of them, on extraordinary occasions."

An extra session of congress was called in this way by John Adams, in 1797, by James Madison, in 1809, by Martin Van Buren, in 1837, and by General Harrison, in 1841.

The king of England has power to *prorogue*, in other words, to *adjourn* parliament at any time. But the president of the United States can adjourn congress only in case of disagreement between the two houses as to the time of adjournment.

The president receives all ambassadors and public ministers from foreign governments.

The president is also required to see that the laws of the United States be faithfully executed, and to commission all officers of the United States.

The following is a list of the presidents and vice-presidents of the United States.

1. George Washington, Va., inaugurated April

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What can the president convene on extraordinary occasions ?  
When and by whom have extra sessions of congress been called ?  
When only can the president adjourn congress ?  
What laws is the president required to see faithfully executed ?  
Whom does the president commission ?  
Who was the first president ?

18, 1789, President 8 years. John Adams, Mass., Vice-President 8 years.

2. John Adams, Mass., inaugurated March 4, 1797, President 4 years. Thomas Jefferson, Va., Vice-President 4 years.

3. Thomas Jefferson, Va., inaugurated March 4, 1801, President 8 years. Aaron Burr, N. Y., Vice-President 4 years. George Clinton, N. Y., 1805, Vice-President 4 years.

4. James Madison, Va., inaugurated March 4, 1809, President 8 years. George Clinton, N. Y., Vice-President 4 years. Elbridge Gerry, Mass., 1823, Vice-President 4 years.

5. James Monroe, Va., inaugurated March 4, 1817, President 8 years. Daniel D. Tompkins, N. Y., Vice-President 8 years.

6. John Quincy Adams, Mass., inaugurated March 4, 1825, President 4 years. John C. Calhoun, S. C., Vice-President 4 years.

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When was he inaugurated ?

How long did he serve ?

Who was the second president ?

When inaugurated ?

How long did he serve ?

Who was the third president ?

How long did he hold the office ?

Who was the fourth president ?

How long did he hold the office ?

Who was the fifth president ?

How long did he hold the office ?

Who was the sixth president ?

How long did he hold the office ?

Who was the seventh president ?

7. Andrew Jackson, Tenn., inaugurated March 4, 1829, President 8 years. John C. Calhoun, S. C., Vice-President 4 years. Martin Van Buren, N. Y., 1835, Vice-President 4 years.

8. Martin Van Buren, N. Y., inaugurated March 4, 1837, President 4 years. Richard M. Johnson, Ky., Vice-President, 4 years.

9. William H. Harrison, Ohio, inaugurated March 4, 1841, President 1 month. John Tyler, Va., Vice-President 4 years.

10. James K. Polk, Tenn., inaugurated March 4, 1845. George M. Dallas, Pa., Vice President.

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#### CABINET.

The president is assisted in the performance of his duties by several officers who compose his *cabinet*, and who are his constitutional advisers. They are the secretary of state, the secretary of the treasury, the secretary of war, the secretary of

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How long did he hold the office ?

Who was the eighth president ?

How long did he hold the office ?

Who was the ninth president ?

How long did he hold the office ?

Who was the tenth president ?

How long did he hold the office ?

Who was the eleventh president ?

Who is president now ?

By whom is the president assisted ?

What officers compose the cabinet ?

the navy, the post master general, and the attorney general. They are all executive officers. They are nominated by the president and approved by the senate, and are removable by the will of the president.

If a vacancy happens in the cabinet during the recess of congress, the president may appoint an officer pro tempore, to fill his place till the next meeting of congress.

The following is the oath which the president of the United States is required to take before entering upon the duties of his office.

“I do solemnly swear (or affirm) that I will faithfully execute the office of president of the United States, and will, to the best of my ability, preserve, protect and defend the constitution of the United States.”

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How are they appointed ?

How are vacancies in the cabinet during the recess of congress filled ?

What oath is the president required to take before entering upon the duties of his office ?



## JUDICIARY.

We have already spoken of the Legislative and Executive departments ; we now come to the Judicial department.

The judicial department is the department that judges of the laws.

The celebrated writer Montesquieu has remarked that “ there is no liberty if the judiciary power be not separated from the legislative and executive powers.” And the experience of the world in all ages has proved the truth of the remark. Therefore in framing the constitution great care was taken to preserve the judiciary free and independent of the other powers.

As the judiciary may be called upon to decide the constitutionality or unconstitutionality of any legislative act, its powers should be co-extensive with the legislative powers. It must have power to carry into effect all constitutional acts, and to prevent unconstitutional acts from being enforced.

The efficiency and permanency of a government depend in a great measure upon the prompt and complete administration of public justice.

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What is the judicial department ?

What has Montesquieu remarked ?

How extensive ought the powers of the judiciary to be ?

Upon what does the efficiency and permanency of a government depend ?

The constitution provides that "the judicial power of the United States shall be vested in one supreme court, and in such inferior courts as the congress may from time to time ordain and establish.

#### SUPREME COURT.

The Supreme Court at present, consists of one chief justice, and eight associate justices, to wit :

|                  | Residence. |            | Appointed. | Salary. |
|------------------|------------|------------|------------|---------|
| Roger B. Taney,  | Md.        | Ch'f Just. | 1836       | \$5000  |
| Joseph Story,    | Mass.      | Associate. | 1811       | 4,500   |
| Samuel Nelson,   | N. Y.      | "          | 1845       | 4,500   |
| John McLean,     | Ohio,      | "          | 1829       | 4,500   |
| Vacancy,         | Pa.        | "          | vacancy.   |         |
| James M. Wayne,  | Ga.        | "          | 1835       | 4,500   |
| John McKinley,   | Ala.       | "          | 1837       | 4,500   |
| John Catron,     | Tenn.      | "          | 1837       | 4,500   |
| Peter V. Daniel, | Va.        | "          | 1841       | 4,500   |

The supreme court is held annually in the city of Washington, commencing on the second Monday of January.

The judges of the supreme court are appointed

In what is the judicial power of the United States vested ?

Of what does the supreme court consist ?

Who is now the chief justice ?

When appointed ?

What is the salary of an associate justice ?

How often, when and where is the supreme court held ?

by the president, by and with the consent of the senate.

If the judges were elected directly by the people, they would be very liable to be influenced in favor of the party which elected them, and to have strong prejudices against the party which opposed them. They would be more liable to be bribed than if they were appointed by the president.

The judiciary should be as free as possible from all personal or party feelings. They should have no fears of losing their office by doing their duty fearlessly and impartially. They should be above and beyond the reach of the clamours of the people, and the popular excitements of the day. They are expected to be cool, deliberate, unbiased and undisturbed at all times whatever may be the accidental popular sentiment around them. This could not be the case if they were directly dependent on the smiles of the people for their election or for the tenure of their offices.

The judges are therefore appointed by the president and hold their offices during *good behavior*, by which is meant that they cannot be turned out of office except by impeachment, or on commission of high crimes and misdemeanors. So long as they are competent to discharge their duties, and

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How are the judges of the supreme court appointed ?  
Why ought they not to be chosen directly by the people ?  
How long do the judges hold their office ?



continue faithfully to do so, they cannot be removed. Neither congress or the president has any authority over them, nor can they in any way interfere with them in the discharge of their duties.

The supreme court has original jurisdiction in all civil suits between two or more states, or between one state and a foreign state.

No state court can properly decide a dispute between two states, for they would then be judges in their own case. None but a national court is competent to give final judgment in such a case.

In cases where a state is plaintiff and a citizen of another state, or an alien is defendant, the supreme court has *original* jurisdiction, but not *exclusive* jurisdiction.

A court has original jurisdiction of a suit where it may be commenced in such court. A court is said to have exclusive jurisdiction of a suit when it can be tried in such court and no other.

The supreme court of the United States has jurisdiction of all cases in which the United States shall be a party ; of controversies between citizens of different states ; and between citizens of the same state claiming lands under grants from diffe-

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What is meant by good behavior ?

Of what suits has the supreme court original jurisdiction ?

Of what original, but not exclusive jurisdiction ?

When is a court said to have original jurisdiction ?

When is a court said to have exclusive jurisdiction ?

Of what other cases has the supreme court jurisdiction ?



rent states, and between the citizens of one state and foreign states.

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#### PUBLIC MINISTERS.

Governments, in order to transact national business with other governments, are obliged to employ agents who may represent the general government. These agents are generally called public ministers, and are of several classes.

1. Ambassadors, who are the highest, and are considered as personally representing their sovereigns.

2. Envoys Extraordinary, and Ministers Plenipotentiary.

3. Ministers Resident, and Ministers Charges d' Affaires.

4. Common Charges d' Affaires.

Consuls and Commercial Agents, and they generally reside in the places where they perform the duties of their office.

These officers being national officers, transacting national business, no court can properly have

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What are those officers called who are employed by governments to transact business with other governments ?

What are public ministers of the highest class called ?

What are those of the second class called ?

What the third ?

What the fourth ?

What are consuls ?

jurisdiction of cases against such foreign officers, residing or being in the United States, but the supreme court of the United States.

For these and other reasons the constitution provides that in suits against ambassadors and public ministers and their servants, this court has original and exclusive jurisdiction. Therefore such suits can be brought and tried only in this court.

But in case of suits brought *by* ambassadors or public ministers, or in which a consul or vice-consul is a party, the supreme court has original but not exclusive jurisdiction. Therefore such suits may be brought in this court, or in some other.

When a case is *appealed* from a lower court to a higher, all the *facts*, and all the *law* applicable to those facts are subjected to a review.

When a case is removed from a lower court to a higher, by "*writ of error*," nothing is re-examined but the *law*.

In cases where *appellate* jurisdiction is given to the supreme court, *original* jurisdiction is not given; so that such cases must first be brought in some inferior court, and may then be appealed to the supreme court. And some of these cases may

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Why can only the courts of the United States have jurisdiction of cases against such officers ?

Of what cases has the supreme court original but not exclusive jurisdiction ?

When a case is appealed from a lower court to a higher, what is subjected to review ?

What is reviewed when a case is taken up by a writ of error ?

originate in the state courts. For example, where the validity of a treaty, or law or authority exercised under the United States, is called in question, and the judgment of the state court is against the validity.

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### CIRCUIT COURTS.

We have seen that the judicial power of the United States is vested in a supreme court, and such inferior courts as congress may from time to time ordain and establish.

One of these *inferior courts* which congress has established, is the *circuit court* of the United States, and another is the district court of the United States.

The United States are divided into nine circuits, in each of which a circuit court is held twice every year. The courts are held by one of the judges of the supreme court of the United States, assisted by the judge of the district court of the United States, in the district where the court sits.

Circuits.

Presiding Judges.

1. Me., N. H., Mass., and R. I., Joseph Story.
  2. Vt., Conn., N. Y., - - - James Nelson.
- 

What inferior courts have congress established ?

Into how many judicial circuits are the United States divided ?

How often is a circuit court held in each ?

By whom are they held ?

| Circuits.                       | Presiding Judges. |
|---------------------------------|-------------------|
| 3. N. J. and Penn., - - -       | Vacancy.          |
| 4. Del., Md. and Va., - -       | R. B. Taney.      |
| 5. Alabama and Louisiana,       | —— Daniels.       |
| 6. N. C., S. C., and Ga., -     | J. M. Wayne.      |
| 7. Ohio, Inda., Ill. and Mich., | John McLean.      |
| 8. Ky., Tenn. and Mo., - -      | John Catron.      |
| 9. Mississippi and Arkansas,    | John McKinley.    |

These circuit courts, like all other United States courts, are of limited jurisdiction.

To give the circuit court jurisdiction, the sum in controversy must exceed \$500.

One of the parties to a suit in the circuit court, must be a citizen of the state in which the suit is brought.

If both parties to a suit are aliens, the circuit court has no jurisdiction, if one party only is an alien, this court has jurisdiction.

Each circuit court has jurisdiction of all crimes committed against the laws of the United States, in the district in which it sits. Cases may be appealed from the district to the circuit court of the United States.

Are the circuit courts of limited jurisdiction ?

What must be the sum in controversy ?

What must one of the parties be ?

What if both parties are aliens ?

What if one is an alien ?

What is said of criminals ?



### DISTRICT COURTS.

The next class of inferior courts of the United States, is the district courts.

The United States are divided into thirty-five districts, in each of which is a district court and a district judge, who resides in the district for which he is appointed.

These district courts also have a limited jurisdiction. They have jurisdiction of cases for penalties and forfeitures under the laws of the United States; for seizures on the water within three miles of the shore; where the United States are plaintiffs; where consuls and vice consuls are defendants; for repeal of letters patent for inventions, and in several other cases.

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### TERRITORIAL COURTS.

There is another class of inferior courts established by congress, in accordance with the provisions of the constitution, and these are the

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Into how many judicial districts are the United States divided?

What is there in each?

Have these courts a limited jurisdiction?

Of what cases have they jurisdiction?

What other class of inferior courts have been established by congress?

*territorial courts*, that is, courts held in the territories of the United States.

The territory of Florida is divided into five districts, in each of which a court is held, called the superior court.

The judges of these superior courts meet annually at Tallahassee, and hold a court of appeals, which is the highest court in the territory.

The territory of Wisconsin has a supreme court composed of three judges, which meets twice a year at Madison.

The territory is divided into three districts, in each of which a district court is held by one of the judges of the supreme court of the territory.

The territory of Iowa is divided into three districts, in each of which circuit courts are held, and the three judges of the circuit courts compose the supreme court, which meets annually at Iowa city.

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#### TRIAL BY JURY.

An amendment to the constitution has secured the right of trial by jury to all persons in all criminal cases, and in all civil suits where the sum in

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What is the highest court in Florida called ?

What are the courts in Wisconsin ?

What are the courts in Iowa ?

controversy exceeds twenty dollars. To this, there are, however, the following exceptions, viz.: cases arising in the land or naval forces, or in the militia, when in actual service, in time of war or public danger.

The constitution also provides that crimes shall be tried in the state where committed. If not committed in any state, congress appoints a place for trial.

The accused shall be informed of the nature and cause of the accusation, and shall be confronted with the witnesses against him. He may also have compulsory process for obtaining witnesses in his favor, and may have the assistance of counsel.

In the early history of the English courts, the accused was not allowed any witnesses or counsel. Such a course of proceeding would be inconsistent with a free government. And therefore the constitution provides that the accused shall have both witnesses and counsel if he chooses.

In ancient monarchies a person might be seized by the command of the king, and punished without any formal trial, or with a trial before the

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To whom is the trial by jury secured by the constitution?

What exceptions?

Where shall the accused be tried?

Of what shall he be informed, and with whom shall he be confronted?

What may he have for obtaining witnesses?

May he have counsel?

In ancient monarchies how was the criminal law administered?

king or some of his ministerial officers. And in some monarchical countries at the present time, certain crimes may be punished in the same way. When such a course is pursued, innocent persons are liable to be accused and punished before they have time or opportunity to establish their innocence. The guilty are liable to be punished too severely. Private revenge and personal feeling might be gratified under the name of the administration of justice.

To provide against these and other evils, an amendment to the constitution declares that "no person shall be held to answer for a capital or infamous crime, unless on a *presentment* or *indictment* of a grand jury."

A grand jury is composed of not less than twelve and not more than twenty-three "*good and lawful men*," selected by the sheriff from the county or district in and for which the court is held. It is the duty of the grand jury to act as accusers of suspected persons. The accusation must be written, and at least twelve of the grand jury, under oath, must agree, or the suspected person cannot be held to trial. If the accusation of the grand jury is founded on their own personal knowledge of the facts, it is called a *presentment*; if on facts

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How is it in some monarchical countries at the present day ?

What objection to such a mode of procedure ?

What does an amendment of the constitution declare on this subject ?

Of whom is a grand jury composed ?



derived from the testimony of others, it is called an *indictment*.

After the suspected person has been thus legally *accused* he may be held to trial. The jury by which he is tried is called the *petit* or *traverse* jury. They consist also of good and lawful men summoned from the body of the county or district in which the court sits. The most usual number summoned is forty-eight ; but only twelve are sworn on any one trial. This jury is entirely separate from, and independent of, the grand jury. They must be disinterested and unbiassed men, or the accused may *challenge* them, as it is called, and have other persons substituted in their place.

The twelve jurymen who are sworn on any trial must all agree upon a verdict of guilty, or the accused cannot be convicted. If he is convicted, the judge then passes sentence, and the executive officer enforces the sentence.

Therefore no person can be *punished* for a high crime, without being first accused by twelve of his

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How many of the grand jurors must agree in order to indict a person ? What is a presentment ?

What is an indictment ?

When can a person be held to trial ?

What is a jury by which a person is tried called ?

How many of the traverse jury are sworn on any one trial ?

Has the traverse jury any connexion with the grand jury ?

Must all the twelve on a jury agree in order to convict ?

How many men must in the end declare a person guilty before he can be punished ?

peers, and afterwards found guilty by twelve others of his peers ; so that he must be declared guilty by at least twenty-four disinterested men, or he cannot be legally punished.

The same amendment of the constitution provides still further, that “no person shall be twice put in jeopardy of life and limb for the same offence.” Which means that a person, having been tried once for an offence, and acquitted or convicted by the verdict of a jury, and judgment has been given upon such verdict, cannot be tried again for the same offence.

It does not mean that a person cannot be tried a second time for the same offence, if the jury has been discharged without giving a verdict, or having given a verdict and judgment arrested, or a new trial has been granted in favor of the accused ; for in such cases he has not yet been put in jeopardy of life and limb.

In early times suspected persons were sometimes put to the rack, or subjected to various other tortures, under the pretence of forcing them to confess their guilt.

The most horrid cruelties were in this way often practised upon the innocent as well as the guilty, under the show of administering public

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Can a person be twice put in jeopardy of life and limb for the same offence ?

In early times how were suspected persons often treated ?

Were the innocent made to suffer as well as the guilty ?

justice. The innocent in the moment of torture, would often confess themselves guilty, in order to escape present suffering, and the confessions thus forced out of them were used as evidence to condemn them.

To guard against every improper influence of a similar kind, it is provided in an amendment to the constitution, that "no person shall be compelled, in any criminal case, to be a witness against himself."

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#### TREASON.

Treason is the highest crime known to the laws ; for its aim is to overturn the government, and the means used are such as necessarily lead to great disturbance and bloodshed. It is therefore held in the greatest abhorrence in all countries, and punished with the greatest severity.

Formerly treason was punished in England in the following manner : the offender was drawn to the gallows on a sledge. He was then hung by the neck, but cut down while yet alive, and his entrails taken out and burned. He was then be-

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What use was made of confessions thus forced from persons ?  
What provision is made in an amendment to the constitution to prevent such influences ?

Why is treason the highest crime known to the laws ?  
How was treason formerly punished in England ?



headed and his body cut into four quarters. All his lands and tenements were forfeited, from the time of committing the treason, and all his goods and chattels, from the time of his conviction.

His blood was also "*corrupted*," so that none of his descendants, to the remotest generation, could inherit any property through him.

Treason, in England, is now punished by beheading. In the United States it is punished by hanging.

The constitution of the United States defines treason thus : "Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort."

Therefore a mere agreement or conspiracy to levy war is not treason ; nor is a secret meeting of unarmed conspirators, though with treasonable intent ; nor is the enlistment of men to serve against the government, treason. They are high misdemeanors, but not treason. There must be an actual levying of war, or adhering to the enemy, or the offence of treason is not complete.

The crime of treason is so atrocious, so destructive to all civil society, that it ought to meet with certain punishment, and yet it is so infamous and

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How is treason now punished in England ?

How in the United States ?

How does the constitution define treason ?

What offences are high misdemeanors but not treason ?



detestable that every precaution should be taken to prevent any innocent person from being convicted.

It is therefore specially provided in the constitution that "no person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court."

*One* credible witness is sufficient to prove any other crime, but *two* witnesses are required to prove an act of treason. The human maxim of the law that "it is better that ninety and nine guilty persons should escape, than that one innocent person should suffer," seems to have been extended still farther, and opened another door of escape by requiring *two* witnesses.

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#### CITIZENS.

The adoption of the constitution of the United States established the government of the United States as a national government. Therefore the citizens of each and every state are citizens of the United States, and removing from one state to another does not affect their citizenship.

The United States is one nation, and a citizen of one part must be a citizen of each and every other part. Hence the constitution declares that "the

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How many witnesses are required to prove an act of treason ?

How many are required to prove any other crime ?

Why are two witnesses required to prove an act of treason ?

What does the constitution declare respecting citizens ?

citizens of each state shall be entitled to all immunities and privileges of citizens in the several states."

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#### FUGITIVE CRIMINALS.

Persons sometimes commit crimes in one state and then flee into another. To reach such persons and at the same time prevent all interference of one state in the affairs of another it is provided in the constitution that when persons, charged with high crimes, flee into another state, the executive authority of the state from which they flee may demand them from the executive of the state to which they flee, and that they shall then be delivered up to be tried in the state in which the crime was committed.

A similar provision has been made respecting the escape of slaves from one state to another.

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#### GUARANTY.

Every government ought to possess sufficient power to protect itself not only as a whole, but in part. Each state being a part of the national government has a right to ask protection from that government in cases of danger. A state might be

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What is to be done when persons commit crimes in one state and then flee into another ?

invaded by a foreign power or by another state. It might be overrun by an insurrection, or its government might be subverted or endangered by a faction. The constitution therefore guaranties a republican form of government to every state in the Union, and promises to protect each of them against invasion and domestic violence.

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#### AMENDMENTS.

No human institution is perfect. No constitution can be so formed as to meet every change in the condition of a nation. It has been therefore provided that amendments may be made to the constitution of the United States in the following manner :

Two-thirds of the members of both houses of congress may propose amendments ; or the legislatures of two-thirds of the states may apply to congress to call a convention to propose amendments, and congress is then bound to call such convention.

The proposed amendments are then sent to the several states for ratification. And congress may determine whether they shall be ratified by the legislatures of the states or conventions of the states. And when they have been so ratified by

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What has the constitution guarantied to each state ?  
How can amendments to the constitution be made ?

three-fourths of the states, the amendments then become part of the constitution.

The constitution, laws, and treaties of the United States are the supreme law of the land ; and the judges of every state are bound thereby.

All the legislative, executive and judicial officers of the United States are bound by oath or affirmation to support the constitution.

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#### RELIGION.

It was the policy of the English colonies in this country, from their first settlement, to preserve church and state separate. When those colonies became independent states they continued the same policy. It is therefore provided in the constitution of the United States, that no religious test shall ever be required as a qualification to any office or public trust under the United States. And an amendment to the constitution further provides that "congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof."

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What is the supreme law of the land ?

What officers are required to take an oath or affirmation to support the constitution ?

What was the policy of the English colonies as to church and state ?

What is said in the constitution respecting religious test ?

What is further provided in an amendment ?



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**LIBERTY OF SPEECH AND OF THE PRESS.**

In every free government great freedom must be allowed to all in speaking and writing their views and opinions. For a popular government can be sustained only by a correct public opinion. And one of the most efficient means of securing such opinion, is by a free press. For this reason it is provided in an amendment to the constitution that "congress shall make no law for abridging the freedom of speech or of the press."

By this it is not meant that any one may say and print what he pleases. It only gives him liberty to say and print any thing that will not injure or encroach upon the rights of others; or which is necessary for the public good. If granting liberty of speech and of the press gave to any one an unlimited license to abuse, vilify and defame others at pleasure, no man's reputation would be safe. It would be giving the evil disposed portion of community an opportunity to sacrifice the dearest interests of others for their own amusement, or to gratify a spirit of revenge.

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How only can a popular government be sustained?

What says the constitution respecting freedom of speech and of the press?

What is meant by freedom of speech and of the press?

**RESERVED RIGHTS OF THE STATES.**

The powers not delegated to the United States by the constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.

We have now finished our brief examination of the powers of both Legislative, Executive and Judicial, which have been granted to the general government by the states. The reserved powers still remaining in the states form the state governments.

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What is said of reserved rights of the states ?

What do the powers still remaining in the states form ?

## STATE GOVERNMENTS.

We have seen that all governments are composed of three great departments, legislative, executive and judicial; that when the American colonies threw off the authority of Great Britain, each of them became a sovereign nation, possessing in itself all the powers of government; that when the states formed themselves into a national government by granting part of their own sovereign power, that national government became a sovereign nation as to the exercise of all power granted to it, while the states still remained sovereign as to all remaining powers. These remaining powers are also divided into legislative, judicial and executive.

The legislative power in each state is vested in a senate and house of representatives.

### MAINE.

The senate and house of representatives of the state of Maine, are elected annually by the people, on the second Monday of September. These two houses together are called the "Legislature of Maine." They meet annually on the first Wed-

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Of what three great departments are all governments composed?  
In what is the legislative power of each state vested?  
For how long and when are the house and senate of Maine elected?

nesday of January, at Augusta. The house is composed of 151 members, and the senate of 31 members.

#### NEW HAMPSHIRE.

The members of the senate and house of representatives of New Hampshire, are elected annually on the second Tuesday in March. They meet annually at Concord, on the first Wednesday of June. The name of the two legislative bodies is "The General Court of New Hampshire." The senate is composed of 12 members, and the house of 250.

#### VERMONT.

The senate and house of representatives of Vermont are elected annually on the first Tuesday in September, and are together styled "The General Assembly of the State of Vermont. They meet annually at Montpelier, on the second Thursday of October. Vermont has had a senate only since 1836. It now consists of 30 members, and the house of 230.

#### MASSACHUSETTS.

The senate and house of representatives of Massachusetts are chosen annually, on the second

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How many members in the house? How many in the senate?  
How often are the senate and house of New Hampshire elected?  
How many members in the senate? How many in the house?  
How often and when are the senate and house of Vermont elected?

How long has Vermont had a senate?  
Of how many members does its consist?  
How many in the house?



Monday of November, and are together called "The General Court of Massachusetts." They meet annually at Boston, on the first Wednesday in January. The senate is now composed of 40 members, and the house of 356.

#### RHODE ISLAND.

Rhode Island governed herself till 1842, by the charter which she received from Great Britain when a colony. She then adopted a constitution, which went into operation on the first Tuesday of May, 1843.

That constitution divides the legislature into two branches, viz. : a senate and house of representatives, who, together, are styled "The General Assembly of Rhode Island."

The senate is composed of the governor, lieutenant-governor, and 31 senators. The house of representatives consists of 69 members. Both senators and representatives are elected annually, on the first Wednesday of April, and meet annually, on the last Monday of October.

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For how long and when are the senate and house of Massachusetts chosen ?

How many members in the senate ? In the house ?

How did Rhode Island govern herself till 1842 ?

When did her present constitution go into operation ?

Of what is her senate composed ?

Of what is her house composed ?

When and for how long are her senators and representatives chosen ?

## CONNECTICUT.

Connecticut formed its present constitution in 1818. The legislative power is vested in a senate and house of representatives, which, together, are styled "The General Assembly." They are all elected annually, on the first Monday of April, and the assembly meets annually on the first Wednesday of May, alternately, at Hartford and New Haven. The senate consists of 21 and the house of 215 members.

## NEW YORK.

New York formed its present constitution in 1821.

The legislative power is vested in a senate of 32 members, elected for 4 years, 8 being elected annually; and a house of representatives of 128 members, all elected annually. The senate and house are together styled "The Legislature." They are elected on the first Monday of November, and meet annually at Albany, on the first Tuesday of January.

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For how long and when are the senate and house of Connecticut chosen?

When and where do they meet?

How many in her senate? In her house?

How many members in the senate of New York, and for how long elected?

How many in her house, and for how long elected?

## NEW JERSEY.

New Jersey adopted her present constitution in 1844. The senate is composed of 14 members chosen for three years, one-third to be chosen annually. The members of the house of representatives are also chosen annually. The elections are held on the second Tuesday and Wednesday of October. Instead of a senate, New Jersey formerly had a council, consisting of one member from each county.

## PENNSYLVANIA.

The present amended constitution of Pennsylvania was adopted in 1838.

The senate and house of representatives are together called "The General Assembly." The members of the house are chosen annually, on the second Tuesday of October, and cannot be less than 60 in number, nor more than 100. The senators are chosen at the same time, and hold their office for three years. One-third of them are

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When did New Jersey adopt her present constitution ?

Of how many is her senate composed, and for how long chosen ?

When is her election ?

When was the present constitution of Pennsylvania adopted ?

When and for how long are the members of the house of Pennsylvania chosen ?

What is her present number of representatives ? Answer, 100.

How many in her senate ? Answer, 33.

chosen each year. The number of the senators can never be less than one-fourth, nor more than one-third of the number of representatives.

The general assembly meets annually on the first Tuesday of January.

#### DELAWARE.

Delaware adopted her present amended constitution in 1831.

The legislative power is vested in a senate and house of representatives, which, together, are styled "The General Assembly." The senate consists of 9 members, elected for 4 years. The house consists of 21 members, elected for 2 years. The election of both senators and representatives is on the second Tuesday of November.

The general assembly meets once in 2 years, on the first Tuesday in January.

#### MARYLAND.

The legislative power of Maryland is vested in a senate of 21 members, and a house of delegates of 82 members, which, together, are styled "The General Assembly of Maryland." The house of delegates are elected annually on the first Wednesday of October. The senate are elected once in 5 years. They are not elected directly by the people, but by electors, who meet at Annapolis, and choose

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Of how many members does the senate of Delaware consist, and for how long elected?

How many in the house, and for how long elected?



the senators by ballot. The general assembly meets annually at Annapolis, on the last Monday of December.

The governor is elected by the people.

#### VIRGINIA.

In Virginia the legislative power is vested in a senate of 32 members, and a house of delegates of 134 members, which bodies are together styled, "The General Assembly of Virginia." The delegates are elected annually on the 4th Thursday of April. The senators are chosen at the same time for 4 years; the seats of one-fourth of them being vacated every year.

The general assembly meets annually on the 1st Monday of December. The governor is chosen once in 3 years by joint ballot of both houses, and is ineligible for the 3 years next succeeding.

#### NORTH CAROLINA.

In North Carolina, the legislative power is vested in a senate of 50 members, elected for 2 years, commonly in August, and a house of commons of 120 members also elected once in two years, which

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How many in the senate of Virginia ?

How many in the house ?

When and for how long are the house chosen ?

When and for how long are the senators chosen ?

How and for what period is her governor chosen ?

How many members in the senate of North Carolina ?

For how long elected ?

together are styled "The General Assembly." The governor is chosen every two years by the people. The assembly meets biennially on the second Monday of November.

#### SOUTH CAROLINA.

In South Carolina the legislative power is vested in a senate of 45 members, and a house of representatives of 124 members which together are styled "The General Assembly." The senators are elected for 4 years, one-half of them being chosen every two years. The representatives are elected for two years on the 2d Monday in October. The assembly meets annually at Columbia, on the 4th Monday of November. The governor is elected for two years by a joint vote of the two houses. Having served one term he is ineligible for the next four years.

#### GEORGIA.

The senate of Georgia consists of 47 members, chosen annually on the first Monday in October, and a house of representatives of 130, chosen at the same time, and meet annually at Milledgeville on the first Monday of November. The governor is elected once in two years by the people.

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In the house, and for how long chosen ?

How many members in the senate of South Carolina ?

For how long elected ?

In the house, when and for how long elected ?

How is the governor elected ?

How many members in the senate of Georgia ?

When and for how long elected ?

## ALABAMA.

The legislative power of Alabama is vested in a senate of 33 members, elected for three years, one-third being elected annually, and a house of representatives of 100 members, also elected annually on the first Monday in August. Both bodies are together styled "The General Assembly of the State of Alabama."

The general assembly meets annually at Tuscaloosa on the first Monday of December. The governor is elected for 2 years by the people, and is ineligible 4 years out of 6.

## MISSISSIPPI.

The senate of Mississippi consists of 30 members elected for 4 years. The house consists of 91 members, chosen once in two years, on the first Monday and Tuesday of November. These two bodies are together styled "The General Assembly of the State of Mississippi."

The general assembly meets once in 2 years at Jackson, on the first Monday of January. The governor is elected for 2 years by the people.

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How and for what period is her governor elected ?

How many members in the senate of Alabama ?

For how long are they elected ?

In the house, when and for how long chosen ?

In what way and for how long is the governor elected ?

Of how many does the senate of Mississippi consist ?

For how long elected ?

In the house, when and for how long chosen ?

For how long and in what way is the governor elected ?



## LOUISIANA.

In Louisiana the legislative power is vested in a senate of 17 members, elected for 4 years, one-half being chosen every 2 years, and a house of 60 members elected for 2 years, on the first Monday of July, which together are styled "The General Assembly of the State of Louisiana." The assembly meet annually at Donaldsville, on the 1st Monday of January.

## ARKANSAS.

The senate of Arkansas is composed of 21 members elected for 4 years. The house of representatives is composed of 75 members, elected for 2 years on the first Monday in October. Both houses are together styled "The General Assembly." The assembly meets once in 2 years on the first Monday in November. The governor is elected once in 4 years.

## TENNESSEE.

The senate of Tennessee consists of 25 members elected for 2 years. The house of representatives consists of 75 members, also elected for two years

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How many members in the senate of Louisiana ?

For how long elected ?

How many in the house, when and for how long elected ?

Of how many does the senate of Arkansas consist ?

For how long elected ?

How many in the house, when and for how long elected ?

How often is the governor chosen ?

How many in the senate of Tennessee ?

For how long chosen ?



on the first Tuesday in August. Both houses are together styled "The General Assembly."

The assembly meets once in 2 years, at Nashville on the first Monday of October. The governor is elected by the people once in two years and is eligible only 6 years in every 8.

#### KENTUCKY.

The senate of Kentucky consists of 38 members, elected for 4 years, one-fourth being elected every year. The house consists of 100 members elected annually on the first Monday of August. The senate and house are together styled, "The General Assembly of the Commonwealth of Kentucky." The assembly meets annually at Frankfort on the first Monday of December. The governor is elected by the people for 4 years and is ineligible for the succeeding 7 years.

#### OHIO.

The senate of Ohio consists of 36 members, elected for two years. The house of representatives consists of 72 members elected annually on the second Tuesday in October. The senate and

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How many in the house, when and for how long chosen ?

In what way and for how long is the governor chosen ?

How many members in the senate of Kentucky ?

For how long elected ?

How many in the house, when and for how long elected ?

In what way, and for how long is the governor elected ?

How many members in the senate of Ohio ?

For how long elected ?

house are together styled "The General Assembly of the State of Ohio." The assembly meets annually at Columbus on the first Monday of December. The governor is elected by the people once in 2 years.

#### MICHIGAN.

The senate of Michigan is composed of 18 members elected for 2 years. The house of representatives is composed of 53 members elected annually on the first Monday in November. The senate and house are together styled "The Legislature," and meet at Detroit, annually on the first Monday of January.

The governor is elected every 2 years.

#### INDIANA.

The senate of Indiana consists of 30 members elected for 3 years, one-third being elected annually. The house of representatives consists of 62 members, elected annually on the first Monday in August. The senate and house are together styled "The General Assembly." The Assembly

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How many in the house, when and for how long elected ?

In what way and for how long is the governor chosen ?

Of how many members is the senate of Michigan composed ?

For how long elected ?

How many in the house, when and for how long elected ?

How often is the governor elected ?

Of how many members does the senate of Indiana consist, and for how long chosen ?

How many in the house, when and for how long elected ?

meets annually at Indianapolis, on the first Monday of December.

The governor is elected by the people once in three years, and may be once re-elected.

#### ILLINOIS.

The senate of Illinois is composed of 40 members elected for 4 years, one-half being elected every two years. The house of representatives is composed of 91 members, elected for 2 years, on the first Monday of August. The two houses are together styled "The General Assembly."

The assembly meets once in two years at Vandalia, on the first Monday of December. The governor is chosen by the people for 4 years, and is eligible only 4 years in every 8.

#### MISSOURI.

The senate of Missouri consists of 18 members, elected for 4 years, one-half being elected every 2 years. The house of representatives consists of 49 members, elected biennially, on the first Monday in August. The two houses are together styled "The General Assembly." The assembly meets

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In what way, and for how long is the governor elected ?

How many members in the senate of Illinois ?

For how long elected ?

How many in the house, when and for how long elected ?

In what way, and for how long is the governor chosen ?

Of how many members does the senate of Missouri consist ?

How often elected ?

How many in the house ?



every second year at the city of Jefferson on the fourth Monday of November. The governor is elected for 4 years, and is ineligible for the 4 years next succeeding.

#### FLORIDA.

At the commencement of this work we rightly ranked Florida among the territories, but as she has since been admitted into the union as a new state, by one of the acts of the late congress, (1845,) she now bears a different relation to the other states and assumes new and important powers.

The legislative power is vested in a senate of 15 members, elected for 2 years, and a house of representatives composed of 29 members, elected annually on the second Monday of October. The two houses together are styled "The Legislative Council," and meet annually at Tallahassee on the first Monday of January. When she was a territory the governor was appointed by the president of the United States, but under her new organization he will be elected by the people.

This state will send two new members to the senate of the United States, and one new member to the house of representatives.

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For how long is the governor elected ?

When was Florida admitted into the union as a state ?

How many members are there in her council ?

How many in the house of representatives ?

What are the council and house together styled ?

How many members does Florida send to the United S. Senate ?

How many to the house of representatives ?

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## IOWA.

As in the case of Florida, Iowa is spoken of as a territory in the first part of this book, but having been admitted into the union as a new state, since the commencement of the publication of this work it is proper that we should rank her accordingly. We have mentioned in another place that congress had the right to make new states out of the territories, and we have now two new instances of the exercise of that power.

The legislative power of Iowa is vested in a council composed of 13 members, elected for two years, and a house of representatives elected annually, which together, are styled "The Legislative Assembly," and meet annually at Iowa City, on the first Monday of December.

The governor will be elected by the people. This state will also send two new members to the United States Senate, which number added to the two from Florida, will increase that body to 56. She will also send a member to the house of representatives, which with the one from Florida, will increase the number in the house to 225.

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When was Iowa admitted into the union ?

In what is the legislative power of Iowa vested ?

When and where does the legislative assembly meet ?

How many members does Iowa send to the U. S. Senate ?

How many to the house of representatives ?

With the members from Florida and Iowa what will be the number in the house of congress ?

## WISCONSIN TERRITORY.

The government of Wisconsin Territory was established by act of congress of April 20, 1836.

The legislative power is vested in a council of 13 members, elected for two years, and a house of representatives of 26 members, elected annually, which, together, are styled "The Legislative Assembly."

The governor is appointed by the president of the United States, and holds his office for 3 years.

As in the general government so in all the state governments, every act must pass both houses of the legislature before it can become a law.

The governors of the states have a limited veto on the state Acts, similar to the president's veto on the Acts of congress."

The state laws can operate only in the state which passes them. If the legislature of a state enact a law contrary to the constitution of the same state such law would be null and void.

The time for which state senators are chosen varies, in different states, from one to six years. In

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In what is the legislative power of Wisconsin vested ?

In what way, and for how long is the governor elected ?

Must every act of a state legislature pass both houses before it can become a law ?

Have the governors any veto ?

Where can a state law operate ?

What if the legislature of a state pass a law contrary to the constitution of the state ?

eight of the states the state senators are chosen for only 1 year ; in six of the states for 2 years ; in three of the states for 3 years ; in ten of the states for 4 years ; and in one state for 6 years.

The time for which members of the house of representatives hold their office is not the same in all the states. In nineteen states they hold their office for 1 year ; in nine states for 2 years.

Therefore, throughout all the states there is a frequent change of legislators, or an opportunity to change them. If any law is passed by a legislative body, contrary to the wishes of the people, and the same legislature which passed it refuse to repeal it, the people at the next election can elect persons who will repeal it. In this way, insurrections and rebellions against the laws are in a great measure prevented. For the people always have a peaceable remedy for existing evils, at the ballot box.

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In how many states are state senators chosen for only one year ?

In how many for two ? For three ? For six ?

In how many states do members of the house of representatives of the state hold their office for only one year ?

In how many for two years ?

What advantage is there in frequent elections ?

## JUDICIARY.

The next department of the state governments is the judicial department.

It is composed of the judges of the several state courts. To them is intrusted the power of judging of the state laws.

The judges in the several states are appointed in different ways, and hold their offices for different periods.

In New York, the chancellor and judges are appointed by the governor, and hold their offices during good behaviour, but not beyond 60 years of age. The judges of county courts and courts of common pleas are appointed for 5 years.

In Georgia, the judges of the inferior courts are elected by the people every 4 years.

In Mississippi, the judges of the higher courts are chosen by electors for 6 years, and judges of inferior courts for 4 years.

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Of what is the judiciary of a state composed ?

What is intrusted to them ?

Are all the judges in the state courts appointed in the same manner ?

Do they hold their office for the same length of time ?

In New York, in what way, and for how long are the chancellor and judges appointed ?

For how long are the judges of the county courts and courts of common pleas appointed ?

In Georgia, how are the judges selected ?

In Mississippi, how, and for how long are the judges chosen ?



In Tennessee, the judges of the supreme court are elected by joint vote of the two houses of assembly for 12 years, and judges of the other courts for 8 years.

In Ohio, the judges of all the courts are elected by the legislature for the term of 7 years.

In Michigan, the judges of the supreme court are appointed for 7 years, with the approval of the senate.

In Indiana, the judges of the supreme court are appointed by the governor for 7 years, with the approval of the senate, but the president judges of the circuit courts are elected for 7 years by the legislature.

In Illinois, the judges are elected by the legislature, and hold their office during good behaviour.

In Missouri, the judges of the supreme and circuit courts are nominated by the governor, and confirmed by the senate.

In Virginia, the judges of the higher courts are elected by joint vote of both houses of assembly, and may be removed in the same way.

In North Carolina, the judges of the higher courts are appointed by joint vote of both houses

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How, and for how long in Tennessee ?

In Ohio, how, and for how long are judges chosen ?

In Michigan ? In Indiana, how, and for how long are the judges of the supreme court appointed ?

How, and for how long the judges of circuit courts ?

In Illinois, in what way, and for how long are the judges elected ?

In Missouri ? In Virginia ? In North Carolina ?

of the legislature, and hold their office during good behaviour.

In Pennsylvania, the judges are appointed by the governor, with the approval of the senate. The judges of the supreme court hold their office for 15 years, if they so long behave themselves well, and president judges of the courts of common pleas for ten years, on the same condition.

Thus, we see that the judges in the several states are some of them elected by the direct vote of the people, some by the legislature of the state, and some are appointed by the governor, with the approval of the senate. Each mode has its advantages and disadvantages. The peculiar institutions of one state may lead them to adopt one mode, while the peculiarities of another state induce the people to adopt a different method.

The time for which the judges hold their office is equally various as we have seen, it being in some states 4 years, in others, 7, 8, 12 and 15 years, in some till 60, 65 and 70 years of age, in others, during good behaviour.

In most of the states, the highest court in the state is called the supreme court.

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In Pennsylvania, how are the judges appointed ?

How long do the judges of the supreme court hold their office ?

How long the president judges of the courts of common pleas ?

What then are the different ways in which the judges of state courts are appointed ?

What are the different periods for which they hold their office ?

Are the highest courts in each state called by the same name ?

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In New Hampshire and Delaware, the highest court is called the superior court. In Maryland, Virginia and Kentucky, the highest court is called the court of appeals ; in Georgia, the circuit court ; and in Mississippi, the high court of errors and appeals.

There are, also, in all the states, inferior courts, called by different names.

But, by whatever name the courts in the several states may be called, the jurisdiction of the courts of each state is nearly the same. That is to say, there are in each state, courts which have jurisdiction of all suits in which *property* is involved, and courts in which all who commit crimes against the laws of the state are tried. In all the states, suits may be *appealed* from lower to higher courts ; thus both the *law* and *facts* may be re-examined in the higher court ; or cases may be taken from a lower to a higher court by *writ of error*, in which case the *law* only can be re-examined by the higher court. And if the higher court reverse the decision of the judge in the court below, the case is sent back to the same court for a new trial.

In all the states the trial by jury is preserved.

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Are the inferior courts in all the states called by the same names ?  
What is said of the jurisdiction of the state courts ?  
Is the right of trial by jury preserved in all the states ?



## EXECUTIVE POWER.

The third great department in the state governments is the *Executive power*.

In all the states the executive power is vested in a governor, who in all the states but Virginia and South Carolina, is elected by the people ; in those two states he is elected by joint vote of both houses of their respective legislatures.

Some of the states elect a Lieutenant Governor at the same time, who, in case of death, resignation or impeachment of the governor, will perform the duties of governor until the next election. In other states, if the gubernatorial chair become vacant the president of the senate performs the duties of governor.

In Maine, New York, Virginia, Alabama, Missouri and Arkansas, the governor must be a *native born citizen*. In New Hampshire he must be of the *protestant religion*. In Missouri he must be thirty-five years of age. In other states he must be 30 years of age.

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What is the third great department in the state governments ?

In what officer is the executive power vested in every state ?

How is he chosen ?

What other officer is chosen in some of the states at the same time ?

What if the gubernatorial chair becomes vacant ?

In what states must the governor be a native born citizen ?



In some of the states the governor, as we have seen, is chosen annually, in others once in 2 years, in others once in 3 years, and in others once in 4 years. In most of the states the governor is voted for directly by the people; and if no candidate has such a majority as is required, the legislature elects the governor out of the candidates voted for by the people. In two of the states he is chosen by joint ballot of both houses of the legislature.

In some of the states the governor appoints the judges, in other states he only commissions them. In each state the governor also commissions all military officers. The governor of each state is commander-in-chief of the militia of the state, except when they are called into the service of the United States. The governor has power to remit fines and forfeitures incurred under the state laws, and also to grant reprieves and pardons for offences committed against the laws of the state.

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Of what age must a governor be ?

For what length of time is he chosen ?

How is the governor chosen in most of the states ?

How in the rest ?

Whom does the governor commission ?

What power has the governor over fines and forfeitures ?

What over reprieves and pardons ?

## WASHINGTON'S LETTER.

After several ineffectual attempts to ascertain the public sentiment, in regard to the revision of the federal system of government, as established in the articles of confederation, it was finally proposed that a convention be held at Philadelphia in May, 1787, composed of delegates from all the states, for the adoption of some new system which would impart more general powers to the general government. Of the 13 original states Rhode Island was the only one which was not represented on that occasion. After a session of some four months, our present constitution was framed, and submitted to congress by the president of the convention, George Washington, accompanied by the following explanatory letter :

IN CONVENTION, Sept. 17, 1787.

SIR :

We have now the honor to transmit to the consideration of the United States in congress assembled, that Constitution which has appeared to us the most advisable.

The friends of our country have long seen and desired that the power of making war, peace, and treaties, that of levying money, and regulating commerce, and the correspondent executive and judicial authorities, should be fully and effectually

vested in the general government of the union ; but the impropriety of delegating such extensive trust to one body of men is evident ; hence results the necessity of a different organization.

It is obviously impracticable in the Federal Government of these states to secure all rights of independent sovereignty to each, and yet provide for the interest and safety of all. Individuals entering into society must give up a share of liberty to preserve the rest. The magnitude of the sacrifice must depend as well on situation and circumstance, as the object to be obtained. It is at all times difficult to draw with precision the line between those rights which must be surrendered, and those which may be preserved ; and, on the present occasion, this difficulty was increased by a difference among the several states as to their situation, extent, habits, and particular interests.

In all our deliberations on this subject, we kept steadily in our view that which appears to us the greatest interest of every true American, the consolidation of our union, in which is involved our prosperity, felicity, safety—perhaps our national existence. This important consideration, seriously and deeply impressed on our minds, led each state in the convention to be less rigid on points of inferior magnitude than might have been otherwise expected ; and thus, the constitution which we now present is the result of a spirit of amity, and that mutual deference and concession, which the pecu-



liarity of our political situation rendered indispensable.

That it will meet the full and entire approbation of every state is not perhaps to be expected ; but each will, doubtless, consider that had her interest alone been consulted, the consequences might have been particularly disagreeable or injurious to the others ; that it is liable to as few exceptions as could reasonably have been expected, we hope and believe ; that it may promote the lasting welfare of that country so dear to us all, and secure her freedom and happiness, is our most ardent wish.

With great respect, we have the honor to be, sir,  
your Excellency's most obedient and humble  
servants.

By the unanimous order of the convention,

GEO. WASHINGTON, Pres't.

His Exc. the *President of Congress*.

Congress resolved, unanimously, that the Report with the letter accompanying it, be transmitted to the several legislatures, in order to be submitted to a Convention of Delegates chosen in each state by the people thereof.

Accordingly conventions were called in eleven of the states, and the sentiments embraced in the articles submitted being in accordance with the views of the respective states, they were adopted, and presented in the following Constitution of the United States :



## CONSTITUTION.

WE, the people of the United States, in order to form a more perfect union, establish justice, ensure domestic tranquility, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this constitution for the United States of America.

### ARTICLE I.—SECTION I.

1. All legislative powers herein granted, shall be vested in a congress of the United States, which shall consist of a senate and house of representatives.

### SECTION II.

1. The house of representatives shall be composed of members chosen every second year by the people of the several states; and the electors in each state shall have the qualifications requisite for electors of the most numerous branch of the state legislature.

2. No person shall be a representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that state in which he shall be chosen.

3. Representatives and direct taxes shall be apportioned among the several states which may

be included within this union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of representatives shall not exceed one for every thirty thousand, but each state shall have at least one representative ; and until such enumeration shall be made, the state of *New Hampshire* shall be entitled to choose three ; *Massachusetts* eight ; *Rhode Island* and *Providence Plantations* one ; *Connecticut* five ; *New York* six ; *New Jersey* four ; *Pennsylvania* eight ; *Delaware* one ; *Maryland* six ; *Virginia* ten ; *North Carolina* five ; *South Carolina* five ; and *Georgia* three.

4. When vacancies happen in the representation from any state, the executive authority thereof shall issue writs of election to fill up such vacancies.

5. The house of representatives shall choose their speaker and other officers, and shall have the sole power of impeachment.

### SECTION III.

1. The senate of the United States shall be composed of two senators from each state, chosen

by the legislature thereof, for six years; and each senator shall have one vote.

2. Immediately after they shall be assembled in consequence of the first election, they shall be divided, as equally as may be, into three classes. The seats of the senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year, so that one-third may be chosen every second year; and if vacancies happen, by resignation or otherwise, during the recess of the legislature of any state, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

3. No person shall be a senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that state for which he shall be chosen.

4. The vice-president of the United States shall be president of the senate, but shall have no vote, unless they be equally divided.

5. The senate shall choose their other officers, and also a president pro tempore, in the absence of the vice-president, or when he shall exercise the office of president of the United States.

6. The senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the



president of the United States is tried, the chief justice shall preside ; and no person shall be convicted without the concurrence of two-thirds of the members present.

7. Judgment in case of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust or profit, under the United States ; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment, and punished according to law.

#### SECTION IV.

1. The times, places, and manner of holding elections for senators and representatives, shall be prescribed in each state by the legislature thereof ; but the congress may, at any time, by law, make or alter such regulations, except as to the places of choosing senators.

2. The congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

#### SECTION V.

1. Each house shall be the judge of the elections, returns, and qualifications of its own members ; and a majority of each shall constitute a quorum to do business ; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner and under such penalties as each house may provide.



2. Each house may determine the rules of its proceedings, punish its members for disorderly behaviour, and, with the concurrence of two-thirds, expel a member.

3. Each house shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy; and the yeas and nays of the members of either house, on any question, shall, at the desire of one-fifth of those present, be entered on the journal.

4. Neither house, during the session of congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

#### SECTION VI.

1. The senators and representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the United States. They shall, in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective houses, and in going to or returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place.

2. No senator or representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States which shall have been created, or the emoluments whereof shall have been increased, during

such time ; and no person holding any office under the United States shall be a member of either house during his continuance in office.

#### SECTION VII.

1. All bills for raising revenue shall originate in the house of representatives ; but the senate may propose or concur with amendments, as on other bills.

2. Every bill which shall have passed the house of representatives and the senate, shall, before it become a law, be presented to the president of the United States ; if he approve, he shall sign it ; but if not, he shall return it, with his objections, to that house in which it shall have originated, who shall enter the objection at large on their journal, and proceed to re-consider it. If, after such re-consideration, two-thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be re-considered, and if approved by two-thirds of that house, it shall become a law. But in all such cases, the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the president within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the congress by their adjournment prevent its return, in which case it shall not be a law.

3. Every order, resolution, or vote, to which the concurrence of the senate and house of representatives may be necessary, (except on a question of adjournment,) shall be presented to the president of the United States; and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be re-passed by two-thirds of the senate and house of representatives, according to the rules and limitations prescribed in the case of a bill.

#### SECTION VIII.

The congress shall have power—

1. To lay and collect taxes, duties, imposts, and excises; to pay the debts and provide for the common defence and general welfare of the United States; but all duties, imposts, and excises, shall be uniform throughout the United States:

2. To borrow money on the credit of the United States:

3. To regulate commerce with foreign nations, and among the several states, and with the Indian tribes:

4. To establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States:

5. To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures:

6. To provide for the punishment of counterfeiting the securities and current coin of the United States:



7. To establish post offices and post roads :

8. To promote the progress of science and useful arts, by securing, for limited times, to authors and inventors, the exclusive right to their respective writings and discoveries :

9. To constitute tribunals inferior to the supreme court : To define and punish piracies and felonies committed on the high seas, and offensees against the law of nations :

10. To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water :

11. To raise and support armies ; but no appropriation of money to that use shall be for a longer term than two years :

12. To provide and maintain a navy :

13. To make rules for the government and regulation of the land and naval forces :

14. To provide for calling forth the militia to execute the laws of the union, suppress insurrections, and repel invasions :

15. To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the states respectively the appointment of the officers, and the authority of training the militia according to the discipline prescribed by congress :

16. To exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten



miles square) as may, by cession of particular states, and the acceptance of congress, become the seat of government of the United States, and to exercise like authority over all places purchased, by the consent of the legislature of the state in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings :—and,

17. To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this constitution in the government of the United States, or in any department or officer thereof.

#### SECTION IX.

1. The migration or importation of such persons as any of the states now existing shall think proper to admit, shall not be prohibited by the congress prior to the year one thousand eight hundred and eight, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

2. The privilege of the writ of habeas corpus shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require it.

3. No bill of attainder, or ex post facto law, shall be passed.

4. No capitation or other direct tax shall be laid, unless in proportion to the census or enumeration herein before directed to be taken.

5. No tax or duty shall be laid on articles export-

ed from any state. No preference shall be given by any regulation of commerce or revenue to the ports of one state over those of another : nor shall vessels bound to or from one state, be obliged to enter, clear, or pay duties in another.

6. No money shall be drawn from the treasury, but in consequence of appropriations made by law ; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

7. No title of nobility shall be granted by the United States, and no person holding any office of profit or trust under them, shall, without the consent of the congress, accept of any present, emolument, office, or title of any kind, whatever, from any king, prince, or foreign state.

#### SECTION X.

1. No state shall enter into any treaty, alliance, or confederation ; grant letters of marque and reprisal ; coin money ; emit bills of credit ; make any thing but gold and silver coin a tender in payment of debts ; pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts ; or grant any title of nobility.

2. No state shall, without the consent of the congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws ; and the net produce of all duties and imposts, laid by any state on imports or exports, shall be for the use of the treas-

ury of the United States, and all such laws shall be subject to the revision and control of the congress. No state shall, without the consent of congress, lay any duty of tonnage, keep troops or ships of war in time of peace, enter into any agreement or compact with another state, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

ARTICLE II.—SECTION I.

1. The executive power shall be vested in a president of the United States of America. He shall hold his office during the term of four years, and, together with the vice-president, chosen for the same term, be elected as follows :

2. Each state shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of senators and representatives to which the state may be entitled in the congress ; but no senator or representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

3. The electors shall meet in their respective states, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same state with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each ; which list they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the president of the senate. The president of the senate shall,



in the presence of the senate and house of representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the president, if such number be a majority of the whole number of electors appointed, and if there be more than one who have such majority, and have an equal number of votes, then the house of representatives shall immediately choose, by ballot, one of them for president ; and if no person have a majority, then, from the five highest on the list, the said house shall, in like manner, choose the president. But, in choosing the president, the votes shall be taken by states, the representation from each state having one vote ; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. In every case, after the choice of the president, the person having the greatest number of votes of the electors, shall be the vice-president. But if there should remain two or more who have equal votes, the senate shall choose from them, by ballot, the vice-president.

4. The congress may determine the time of choosing the electors, and the day on which they shall give their votes ; which day shall be the same throughout the United States.

5. No person, except a natural born citizen, or a citizen of the United States at the time of the adoption of this constitution, shall be eligible to the office of president : neither shall any person



be eligible to that office, who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

6. In case of the removal of the president from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the vice-president, and the congress may, by law, provide for the case of removal, death, resignation, or inability, both of the president and vice-president, declaring what officer shall then act as president, and such officer shall act accordingly, until the disability be removed, or a president shall be elected.

7. The president shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

8. Before he enter on the execution of his office, he shall take the following oath or affirmation :

9. I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect, and defend, the constitution of the United States.

#### SECTION II.

1. The president shall be commander-in-chief of the army and navy of the United States, and of the militia of the several states, when called into the actual service of the United States ; he

may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices; and he shall have power to grant reprieves and pardons for offences against the United States, except in cases of impeachment.

2. He shall have power, by and with the advice and consent of the senate, to make treaties, provided two-thirds of the senators present concur: and he shall nominate, and by and with the advice and consent of the senate, shall appoint ambassadors, other public ministers and consuls, judges of the supreme court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law. But the congress may, by law, vest the appointment of such inferior officers as they think proper, in the president alone, in the courts of law, or in the heads of departments.

3. The president shall have power to fill up all vacancies that may happen during the recess of the senate, by granting commissions which shall expire at the end of their next session.

#### SECTION III.

1. He shall, from time to time, give to the congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both houses,

or either of them, and, in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed; and shall commission all the officers of the United States.

#### SECTION IV.

1. The president, vice-president, and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, and other high crimes and misdemeanors.

#### ARTICLE III.—SECTION I.

1. The judicial power of the United States shall be vested in one supreme court, and in such inferior courts, as the congress may, from time to time, ordain and establish. The judges, both of the supreme and inferior courts, shall hold their offices during good behaviour; and shall, at stated times, receive for their services a compensation which shall not be diminished during their continuance in office.

#### SECTION II.

1. The judicial power shall extend to all cases in law and equity, arising under this constitution, the laws of the United States, and treaties made, or which shall be made, under their authority: to all cases affecting ambassadors, other public ministers and consuls; to all cases of admiralty and



maritime jurisdiction ; to controversies to which the United States shall be a party ; to controversies between two or more states ; between a state and citizens of another state ; between citizens of different states ; between citizens of the same state claiming lands under grants of different states ; and between a state, or the citizens thereof, and foreign states, citizens, or subjects.

2. In all cases affecting ambassadors, other public ministers and consuls, and those in which a state shall be a party, the supreme court shall have original jurisdiction. In all the other cases before mentioned, the supreme court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations, as the congress shall make.

3. The trial of all crimes, except in cases of impeachment, shall be by jury, and such trial shall be held in the state where the said crimes shall have been committed ; but when not committed within any state, the trial shall be at such place or places as the congress may by law have directed.

### SECTION III.

1. Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

2. The congress shall have power to declare the



punishment of treason ; but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attainted.

ARTICLE IV.—SECTION I.

1. Full faith and credit shall be given in each state to the public acts, records, and judicial proceedings of every other state. And the congress may, by general laws, prescribe the manner in which such acts, records, and proceedings, shall be proved, and the effect thereof.

SECTION II.

1. The citizens of each state shall be entitled to all privileges and immunities of citizens in the several states.

2. A person charged in any state with treason, felony, or other crime, who shall flee from justice, and be found in another state, shall, on demand of the executive authority of the state from which he fled, be delivered up, to be removed to the state having jurisdiction of the crime.

3. No person held to service or labor in one state under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor ; but shall be delivered up on claim of the party to whom such service or labor may be due.

SECTION III.

1. New states may be admitted by the congress into this union ; but no new states shall be formed or erected within the jurisdiction of any other state, nor any state be formed by the junction of

two or more states, or parts of states, without the consent of the legislatures of the states concerned, as well as of the congress.

2. The congress shall have power to dispose of, and make all needful rules and regulations respecting the territory or other property belonging to the United States ; and nothing in this constitution shall be so construed as to prejudice any claims of the United States, or of any particular state.

#### SECTION IV.

1. The United States shall guaranty to every state in this union, a republican form of government, and shall protect each of them against invasion ; and, on application of the legislature, or of the executive, (when the legislature cannot be convened,) against domestic violence.

#### ARTICLE V.

1. The congress, whenever two-thirds of both houses shall deem it necessary, shall propose amendments to this constitution ; or, on the application of the legislatures of two-thirds of the several states, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this constitution, when ratified by the legislatures of three-fourths of the several states, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the congress ; provided, that no amendment which may be made prior to the year one thousand eight hundred and

eight, shall in any manner affect the first and fourth clauses in the ninth section of the first article : and that no state, without its consent, shall be deprived of its equal suffrage in the senate.

#### ARTICLE VI.

1. All debts contracted and engagements entered into, before the adoption of this constitution, shall be as valid against the United States under this constitution, as under the confederation.

2. This constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land ; and the judges in every state shall be bound thereby, any thing in the constitution or laws of any state to the contrary notwithstanding.

3. The senators and representatives before mentioned, and the members of the several state legislatures, and all executive and judicial officers, both of the United States and of the several states, shall be bound by oath or affirmation to support this constitution : but no religious test shall ever be required as a qualification to any office or public trust under the United States.

#### ARTICLE VII.

1. The ratification of the conventions of nine states shall be sufficient for the establishment of this constitution between the states so ratifying the same.



Done in convention, by the unanimous consent of the states present, the seventeenth day of September, in the year of our Lord one thousand seven hundred and eighty-seven, and of the Independence of the United States of America, the twelfth. In witness whereof, we have hereunto subscribed our names.

GEORGE WASHINGTON,  
*President and Deputy from Virginia.*

## NEW HAMPSHIRE.

JOHN LANGDON,  
NICHOLAS GILMAN.

## MASSACHUSETTS.

NATHANIEL GORMAN,  
RUFUS KING.

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ABRAHAM BALDWIN.

*Attest,* WILLIAM JACKSON, *Secretary.*



## AMENDMENTS TO THE CONSTITUTION.

*Article 1.* Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

*Art. 2.* A well regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.

*Art. 3.* No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war, but in a manner to be prescribed by law.

*Art. 4.* The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

*Art. 5.* No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service, in time of war or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy

of life or limb ; nor shall be compelled, in any criminal case, to be a witness against himself ; nor be deprived of life, liberty, or property, without due process of law ; nor shall private property be taken for public use, without just compensation.

*Art. 6.* In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation : to be confronted with the witnesses against him ; to have compulsory process for obtaining witnesses in his favor ; and to have the assistance of counsel for his defence.

*Art. 7.* In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved ; and no fact tried by a jury shall be otherwise re-examined in any court of the United States, than according to the rules of the common law.

*Art. 8.* Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

*Art. 9.* The enumeration in the constitution of certain rights, shall not be construed to deny or disparage others retained by the people.

*Art. 10.* The powers not delegated to the United States by the constitution, nor prohibited by it to

the states, are reserved to the states respectively, or to the people.

*Art. 11.* The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another state, or by citizens or subjects of any foreign state.

*Art. 12. § 1.* The electors shall meet in their respective states, and vote by ballot for president and vice-president, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as president, and in distinct ballots the person voted for as vice-president; and they shall make distinct lists of all persons voted for as president, and of all persons voted for as vice-president, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the president of the senate; the president of the senate shall, in the presence of the senate and house of representatives, open all the certificates, and the votes shall then be counted; the person having the greatest number of votes for president, shall be the president, if such number be a majority of the whole number of electors appointed: and if no person have such majority, then from the persons having the highest numbers, not exceeding three, on the list of those voted for as president, the house of representatives shall



choose immediately, by ballot, the president. But, in choosing the president, the votes shall be taken by states, the representation from each state having one vote ; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. And if the house of representatives shall not choose a president whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the vice-president shall act as president, as in the case of the death or other constitutional disability of the president.

2. The person having the greatest number of votes as vice-president, shall be the vice-president, if such number be a majority of the whole number of electors appointed ; and if no person have a majority, then from the two highest numbers on the list, the senate shall choose the vice-president : a quorum for the purpose shall consist of two-thirds of the whole number of senators, and a majority of the whole number shall be necessary to a choice.

3. But no person constitutionally ineligible to the office of president, shall be eligible to that of vice-president of the United States.



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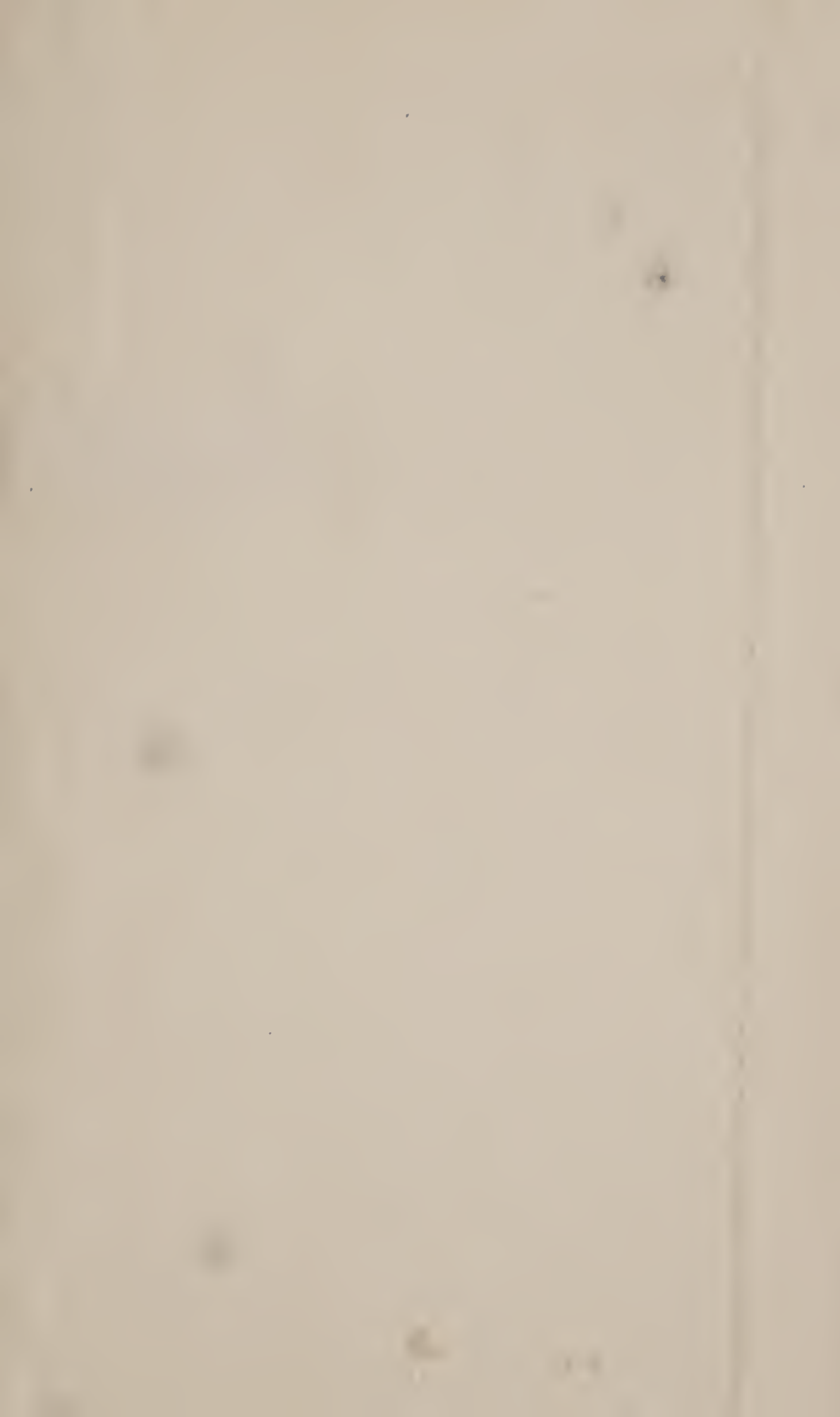




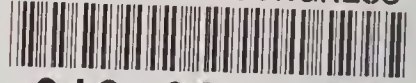








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